

# LIVING TWO-GETHER?

THE LAW IS CHANGING...

## Domestic Partnership Agreements

### What is a Domestic Partnership Agreement?

A Domestic Partnership Agreement is like a contract between domestic partners about their shared life.

Most commonly these agreements say how the property would be divided if you were ever to separate. For example, what would happen to the house and to any money in the bank account. They can also cover how you will arrange financial matters during the relationship, such as, who will pay which bills and whether you will have joint or separate bank accounts.

The agreement does not have to be about or restricted to financial and property matters. It can cover any aspect of your shared life.

### When can an agreement be made?

An agreement can be made at any time -

- when you decide that you will move in together
- while you are living together
- or after you have separated

### Is the agreement legally binding?

Yes. The law treats an agreement as a contract. That means either person can take the other to court if the agreement is broken. In some circumstances, the court can change the agreement and there are legal steps you can take if you want to prevent that from happening.

### Does having an agreement automatically make us Domestic Partners?

No. To qualify as a domestic partner for legal purposes you must live together for three years - or a total of three out of the last four years - or else both be the legal parents of a child.

The agreement is not a short cut to legal recognition.

If you have lived together for three years, having an agreement strongly indicates that the two of you are domestic partners rather than just flatmates.

### Do we have to have use a lawyer?

You can make the agreement without legal help but that leaves it open to the possibility that the court may later change your agreement, if it thinks it is unfair. If you want to ensure this doesn't happen, you would need to involve lawyers to certify the agreement.

### Can we change the agreement?

Yes. Both parties can agree to change the current agreement at any time.

If a lawyer prepared the agreement, you will need a lawyer to make any changes to the agreement.

If you prepared the agreement, you can make the changes without lawyers.

The agreement can be revoked at any time, if you both agree.

#### Further information

Legal Services Commission  
Phone 1300 366 424  
TTY Phone (08) 8363 3691

[www.justice.sa.gov.au](http://www.justice.sa.gov.au)

#### Attorney-General's Department

GPO Box 464  
ADELAIDE SA 5001  
Phone 8207 1555  
Fax 8207 2520  
Email [justice@justice.sa.gov.au](mailto:justice@justice.sa.gov.au)



Government of South Australia  
Attorney-General's Department