



NEWSLETTER

Victorian Gay and Lesbian Task Force

May 2010

The Victorian Relationships Register

In November 2009, the Minister for Immigration and Citizenship announced changes to the one year co-habitation requirement.

The one year co-habitation requirement is but one component of a number of components that are required to be satisfied prior to lodging an application for a first stage (sub-class 820) visa.

Previously, with some rare exceptions, it was mandatory for all applicants to have been living together in a relationship for the entire 12 months prior to application.

From November 2009, the one year co-habitation requirement could be waived where, *“at the time of application of the partner visa, the de facto relationship was registered as a prescribed relationship in the relevant Australian state or territory legislation.”* At present, Relationship Registers exist in ACT, Tasmania and Victoria.

On the face of it, this looks like great news for people facing the common difficulty of how to achieve that one continuous year of living together. The issue is regularly raised at our meetings as a dilemma many couples face.

However, in Victoria, it is not simply a case of making a documented application and being accepted into the registry. Under the Victorian Relationships Act 2008, both parties in the relationship must be *“domiciled or ordinarily resident in the state”* (Act S6). This can lead to a potentially *Catch 22* situation for those seeking a waiver of the one year co-habitation rule.

In the earlier stages of the registry, which commenced in December 2008, the Registrar would not accept anything less than at least a full and unconditional permanent resident visa (ie, visa sub-class 801) for both parties. More recently, however, unconfirmed information suggests that registration may be accepted where one party is a permanent resident of Victoria, the relationship appears genuine and has existed for at least 6 months.

So, if you intend to register your relationship in Victoria, be aware of the way that the Act is applied by the Registrar and be prepared to demonstrate that the relationship is genuine and has existed for at least 6 months.

Geoff F. Sunday Convenor.