

Married by

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De facto couples get rights they don't want

Matthew Fynes-Clinton

GLEN Morris and Sarah Jansen are a Generation Y and X love match. They're housemates, bedmates — and an eternity away from tying the knot.

"(Living together) is basically our grown-up statement that yes, we're together, even though we made a deliberate decision that we weren't getting married," Mr Morris, 26, said.

"We still don't feel ready to stand up before the world and make that commitment publicly."

Ms Jansen, 29, explained: "We say we're committed for the foreseeable future because we agree that forever is potentially a really long time.

"We thought to get married when you're not 100 per cent sure is to devalue it."

The Brisbane pair, who've been co-habiting since January at a rented home in Bulimba, are shocked to learn of new laws which will treat de facto relationships exactly the same as married couples in the event of separation.

They would have to be live-in partners for a minimum of two years in order to trigger a claim.

But they say they didn't sign up for the possibility of onerous financial obligations, including superannuation-splitting and spousal maintenance.

After all, this is a couple still paying off university HECS debts.

"People who have only been together for a short time don't see it as a socio-economic relationship," Mr Morris, a barista, said.

"We don't want that legal thing to work out if the worst happens."

According to University of Sydney law professor Patrick Parkinson, the Family Law Amendment (De Facto Financial Matters and Other Measures) Act "imposes marriage" on couples who have not chosen it.

"For a lot of young people, a de facto relationship is one step on from serious dating," Professor

"We don't want that legal thing to work out if the worst happens"

Glen Morris



Parkinson said. "It can (partly) be about saving rent. But with this policy, you're making them responsible for the future well-being of the other. I think that's making a huge leap."

The contentious legislation, passed this week in the Senate, is designed to inject national uniformity and equal status when marriage or de facto relationships break down.

Before, de facto disputes would head to state courts to divide property, while child custody determinations were made by the federal family law system.

Under the reform, all proceedings will go to family law courts, where, for the first time in Queensland, claims on an ex-partner's superannuation and for spousal maintenance will be allowed.

A successful maintenance application will need to show that one partner is unable to support herself or himself "adequately" post-separation. The measures also apply to same-sex couples.

Professor Parkinson said the laws would offer protection for women who had sacrificed earning capacity to raise children.

But for younger, childless couples, many questions remain. "Every one knows what marriage means," Mr Morris said.

"And when it starts," added Ms Jansen, a corporate writer.

"But (a de facto) relationship is not very transparent," her partner continued. "I've had female flatmates for two years at a stretch. What if one suddenly said we were de facto for that time? How do I prove that we weren't?"

fcClintonm@qnp.newstfd.com.au

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Thursday Evening B24

NO say ... Sarah Jansen and Glen Morris are committed, but not ready for marriage.