

# Registering a relationship in South Australia

## Who can apply?

You may apply if you are over 18 years of age and in a relationship with another person as a couple, provided at least one person lives in South Australia. Couples may apply irrespective of their sex or gender identity.

## Are there any restrictions?

Your relationship cannot be registered if you or your partner are married (as defined in the *Marriage Act 1961*), already in a registered relationship or corresponding law registered relationship (as defined in the *Relationships Register Act 2016*), in a relationship as a couple with another person, or related by family (as defined in the *Relationships Register Act 2016*).

## How do we apply?

You will need to complete a 'Register a relationship – application' form. This can be completed online. Alternatively, contact Births, Deaths and Marriages (BDM) and request a form to be posted out – phone 131 882.

Applications must be accompanied by completed statutory declarations witnessed by an authorised person, evidence of the identity and age of each person in the relationship and the fee prescribed by the *Relationships Register Regulations 2017*.

## Can one person apply to register a relationship?

No, both persons in the relationship must apply.

## What identification and documents do we need?

For information about what identification is required to prove your identity and residency, please refer to the application form.

Overseas documents need to be translated into English by an accredited translator.

If you've previously been married, have been in a South Australian registered relationship or in a corresponding law registered relationship you will also need to provide evidence that you are no longer in this relationship (e.g. divorce certificate, decree absolute, nullity order, endorsed relationship certificate or death certificate)

## What if I don't have all of the required documents?

Contact Births, Deaths and Marriages to ask for assistance – phone 131 882.

## What documentary evidence do we need to prove our relationship?

None, however it is an offence to make a false representation or declaration knowing its contents to be misleading or untrue. Penalties of \$1,250 or up to 4 years imprisonment may be imposed.

**What happens if I have previously been in a registered relationship, but my previous partner has married or died?**

The relationship registration is automatically revoked by law if a partner marries or dies. Notify BDM that this has occurred, so that it can be noted in the Register.

**Can the registration process be fast-tracked?**

No, the earliest your relationship can be registered is 28 days after lodging your complete application and payment of the fees.

**Will registering our relationship support my visa application?**

Contact the Department of Immigration and Border Protection to ask for assistance – phone 131 881.

**Can we withdraw our application?**

One or both persons may apply to withdraw the application within 28 days of lodging the form by completing a 'Withdraw an application to register a relationship' form. There is no fee to withdraw, however the relationship registration fee is non-refundable.

**What certificates can we apply for once our relationship is registered?**

You can either order a standard certificate or commemorative certificate package.

**Can I assume my partner's name after our relationship has been registered?**

Yes, however if you decide to take your partner's surname you should check with the agency where you want to update your details (ie Australian Passport Office) to find out their requirements. More information about changing your name and the associated costs can be found on [sa.gov.au](http://sa.gov.au) – [Register a change of name](#)

**What if we have had a certificate issued under interstate or overseas law?**

Please refer to the *Relationships Register Regulations 2017* to see if your relationship may be declared to be a corresponding law registered relationship. If it is, you may apply to our Office for a certificate to that effect, however, as your relationship is already recognised by another corresponding jurisdiction, your relationship cannot be re-registered in South Australia.

**What if our relationship breaks down?**

You may apply to revoke your relationship by completing a 'Revoke a registered relationship - application' form. One or both persons may apply. If only one person makes the application they must serve a notice on the other person. Refer to the application form to find out more.

**How long does it take to revoke a relationship?**

It takes 90 days after the complete application is received with payment of the fees.

**Can I cancel an application to revoke once it's been submitted?**

You may apply to withdraw your application during the 90 day cooling off period by completing a 'Withdraw an application to revoke a registered relationship' form. There is no fee to apply to withdraw, however application fees are non-refundable.

**What if we choose not register our relationship? Is our relationship still legally recognised?**

The Registry cannot provide legal advice.

Information on whether your relationship is legally recognised may be found on the South Australian Law Handbook website (see

<http://www.lawhandbook.sa.gov.au/ch21s05s01.php>). Read this information in conjunction with legal advice. Free legal advice may be available to you from the Legal Services Commission of South Australia (1300 366 424).

**Does registering our relationship automatically revoke a previous will?**

The Registry cannot provide legal advice.

Information on the effect of registering your relationship on a previous will can be found on the South Australian Law Handbook website (see

<http://www.lawhandbook.sa.gov.au/ch21s05s01.php>). The information provided on that website, although useful, should not be relied upon as a substitute for legal advice.

A list of services that are available to help you prepare a will and to provide assistance with regards to will can be found on the SA Government website

(<https://www.sa.gov.au/topics/family-and-community/planning-ahead/making-a-will>).

**If my registered relationship partner does not provide for me in their will do I have any recourse upon their death? or**

**If either or both partners do not have a will, does the registration of their relationship offer any protection to them in the event of either their death? or**

**If we separate and have a dispute about dividing our property, can we apply to the Family Law Courts to resolve our dispute?**

The Registry cannot provide legal advice.

Information on this question can be found on the South Australian Law Handbook website (see <http://www.lawhandbook.sa.gov.au/ch21s05s01.php>). The information provided on that website, although helpful, should not be relied upon as a substitute for legal advice.

Free legal advice may be available to you from the Legal Services Commission of South Australia (1300 366 424).

**If we are in a corresponding law registered relationship or have registered our relationship in South Australia, will our relationship be recognised on our death certificates?**

Yes, all corresponding law registered relationships (please refer to the *Relationships Register Regulations 2017*) to see if your relationship (including overseas non-heterosexual marriages) is recognised on death certificates as 'registered relationships'.

Find out more at [sa.gov.au/bdm](http://sa.gov.au/bdm) or by contacting 131 882