

Application for Recognition of a De Facto Relationship

Instructions for completion

Overview:

Members of the Australian Defence Force may apply to have their de facto relationship recognised. This is the first step required to gain access to Defence benefits.

Before completing and submitting this form, discuss it with your partner.

Application process:

Recognition of a de facto relationship can be applied for at any time after the relationship has been established. All application forms for recognition are submitted through the member's chain of command.

The member will be advised of the decision from the approving authority in writing. The member's marital status on PMKeyS will be updated to 'common law' from the approved date.

Unless otherwise stated, the recognition will be valid until there is any change to the circumstances that underpinned the recognition.

Please note: Completion of this form will only change marital status on PMKeyS. Members may update their Primary Emergency Contact (PEC) or Next of Kin (NoK) in accordance with DI(G) PERS 11-4 via PSS. If PSS is unavailable, web form AD159 is required. Any changes to personal circumstances included dependent data and members nominated for family leave travel should be updated via web form AD290 or AD150 respectively.

Member acknowledgement statement:

The member must complete the *member's statement* and *member's declaration* as well as attach supporting documentation before forwarding to their Chain of Command. The member may wish to address any or all of the factors in their statement. These factors are taken directly from Section 2F of the *Acts Interpretation Act 1901*.

Supporting documentation:

The applicant must provide evidence to support this application. The minimum requirement is one piece of evidence; however, the member may choose to provide additional documentation. Documents must demonstrate that the member lives with their partner on a genuine domestic basis.

The following documents are examples of evidence that may be used to show that two people live together on a genuine domestic basis:

- Rental agreement, mortgage deed or land/property title in both names;
- Joint bank account;
- Bills in both names (i.e. utility, phone, rates notice, home and contents insurance);
- A member's will indicating their partner as a primary beneficiary
- Proof the member's partner has power of attorney or guardianship;
- Reciprocal life insurance policies;
- Statutory declaration indicating or recognising the relationship between the member and partner – such as the knowledge of the relationship existing on a genuine domestic basis

This is not a definitive or exhaustive list. Other forms of evidence can be used to support the statement of relationship. However, if a decision maker reasonably believes that there is a need for further information, they can request further documentation.

Guidance for Approving Authorities:

In determining whether two people are in a de facto relationship, all the circumstances of their relationship are to be taken into account. Commanding Officers should use their judgement when considering the evidence provided in the application based on legislative and policy requirements.

If the evidence provided does not support the member's claim of a de facto relationship (living together on a genuine domestic basis), the decision maker may request further information, and make a decision.

The member's Commanding Officer can approve the recognition of the relationship from the date of application. If the member is requesting retrospective recognition of a de facto relationship, the retrospective component must be forwarded to the relevant Service Director General Personnel, or other CDF Authorised persons.

Having the de facto relationship recognised by Defence does not automatically trigger Defence benefits. It is a two step process whereby the first is to have the relationship recognised, and the second is to apply to have your categorisation changed – from this Defence benefits may flow.

Application for Recognition of a De Facto Relationship

Section A - Member

Applicant's details

Employee ID	Rank	Given name(s)	Family name
Service	Unit or ship		
Residential address (at posting location)			

Partner's details (complete applicable fields)

Rank/Title	Given name(s)	Family name
Service (if applicable)	Unit or ship (if applicable)	Employee ID (if applicable)
Residential address		

Member's statement

In the space provided below, please provide a statement that describes how you and your partner are living together on a genuine domestic basis. Factors that may be taken into account by the decision maker are listed below - you may wish to address any or all of these in your statement¹.

- The duration of the relationship (i.e. how long have you been in a de facto relationship?)
- The nature and extent of your common residence (i.e. is the person staying at your house or a common household all, or most of the time?)
- Whether a sexual relationship exists
- The degree of financial dependence or interdependence, and any arrangements for financial support, between you and your partner
- The ownership, use and acquisition of your property (i.e. is the place where you live jointly owned by you and your partner?)
- The degree of mutual commitment to a shared life (i.e. do you and your partner have joint bank accounts, mortgage or rental agreement?)
- The care and support of children (i.e. are there any children regularly staying at your address? Does your partner help decide matters about the education and development of the children?)
- The reputation and public aspects of the relationship (i.e. do relatives/friends consider your relationship with the other person as similar to that of a married, registered or de facto couple? Do you currently receive benefits from other government agencies for recognition of this relationship?)

¹ These factors are taken directly from the [Acts Interpretation Act Part 2, Section 2F](#)

SENSITIVE: PERSONAL (*after first entry*)
Department of Defence

Member's statement (*box will expand as you type*)

Note 1: Members are reminded of the need to provide clear and accurate information when they apply, and to advise when that information changes. Information supplied is taken to be a true and accurate record of the applicant's circumstances. Giving false or misleading information is a serious offence. Where false or misleading information is provided, or relevant information withheld, criminal or disciplinary action under the *Public Governance, Performance and Accountability Act 2013*, *Defence Force Discipline Act 1982*, *Public Service Act 1999*, or the *Criminal Code Act 1995* may be taken. Administrative action may also be taken and sanctions imposed.

Note 2: Members are to be aware of the age of consent in their relevant State or Territory.

Member declaration

I have been living with my partner for (please specify duration):

_____ Years _____ Months _____ Days.

I am seeking recognition of the relationship from _____ (date)

Member

- I am not legally married to my partner (i.e. have a marriage certificate);
- I am not in a registered relationship with my partner (i.e. have a registration certificate);
- I am not related to my partner by family;
- I live together with my partner on a genuine domestic basis; and
- A minimum of one piece of evidence is attached to support my statement.

Signature of member	Printed name	Date
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CDF-authorized persons:

- Commanding Officers (Section B) – recognition of the relationship from the date of application.
 - Service HQ CDF-authorized persons (Section C) – recognition of relationship from an earlier date.
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Section B - Commanding Officers

The relationship is **recognised**:

from the date of application _____ (date)

and if required recommended for retrospective approval by Service HQ CDF-authorized persons.

More information is required for the following reason(s):

Reason

The relationship is **not recognised** for the following reason(s):

Reason

Employee ID	Signature	Printed Name	Date
Rank and appointment			

Section C – Other CDF-authorized persons

The retrospective recognition of the relationship is approved from an earlier date _____ (date).

OR

The retrospective recognition of the relationship is not approved for the following reason(s):

Reason			
Employee ID	Signature	Printed Name	Date
Rank and appointment			

Section C – PMKeyS Action

**Marital status
on PMKeyS
updated**

Employee ID	Signature	Printed Name	Date

Privacy Notice

All information requested on this form is being collected by the Department of Defence for the primary purpose of recognising your de facto relationship under the Pay and Conditions Manual (PACMAN). Information is generally collected from you but may be informed by other sources including information Defence already holds, and if relevant, your partner or spouse.

Failure to provide some or all of the information required may result in processing delays, denying your application for benefits or current payments ceasing. The personal information you provide may also be used:

- In making career or personnel management decisions;
- In the course of investigations, for example in the case of suspected fraud, and in subsequent disciplinary or administrative proceedings; and
- In the process of determining your eligibility to hold or maintain an Australian approved security clearance.

Information gathered on this form may be disclosed to another agency for the purpose of providing you with benefits provided under the PACMAN. It is unlikely that your personal information will be disclosed to others acting in their personal capacity or to a recipient overseas, unless you are posted overseas, in which case information may be disclosed to recipients in countries through which you travel.

If you have any concerns about the handling of your personal information, you should contact ADF People Policy in the first instance. Alternatively, you may raise your concerns with the Defence Privacy Office at defence.privacy@defence.gov.au.

The Defence Privacy Policy contains information about how you can request access to, or correction of, your personal information and describes how you may make a complaint if you believe Defence may have breached your privacy. A copy of the Defence Privacy Policy can be obtained at <http://www.defence.gov.au/Privacy.asp>.