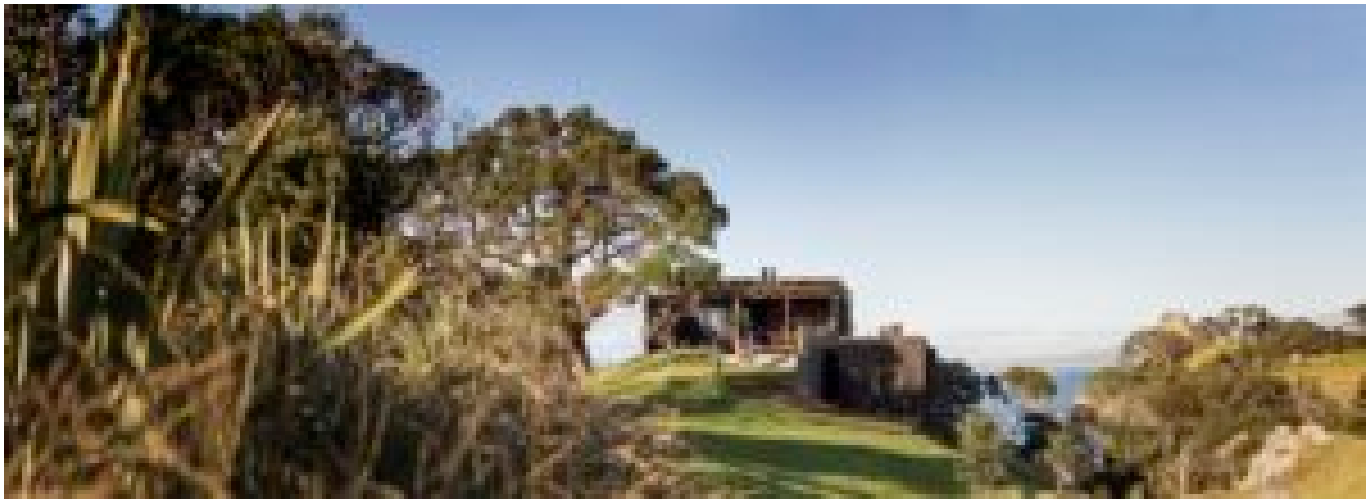


On-again, off-again relationships. What will happen to our relationship property?

Posted on: November 12, 2025

For a de facto relationship to qualify for the presumption of equal sharing, the relationship will generally need to last for longer than three years. It can be difficult to understand what your entitlements are when there have been periods of separation.

A de facto relationship involves more than attraction or intimacy. The start of a de facto relationship requires the parties to have met a cumulative test which includes a range of factors including emotional connection, cohabitation, financial interdependence, and the mutual commitment to a shared life. No one factor is critical – you can be in a de facto relationship without living together.

Not all relationships end with a clear discussion and agreement to break up, often there can be weeks of uncertainty or attempts to continue the relationship. Mere doubts about the relationship's continuity, unless communicated and acted upon, do not necessarily signal its

end. This subjective and factual inquiry requires careful consideration of each partner's intentions and behaviour.

Where relationships end and later resume, the length of time which passes during the period of separation will determine whether the first de facto relationship continues or a new de facto relationship has started.

The Court may disregard short periods of resumed cohabitation when assessing the overall length of a relationship. The presence of brief reconciliations following separation, especially those initiated by one party and lasting only days or weeks may not revive the relationship. Short-term reunions cannot be simply added to create a qualifying duration. This prevents parties from artificially extending the timeframe to meet legal thresholds.

When a relationship resumes, the heart of the matter lies in whether a relationship has again progressed to a stage of significant mutual commitment and interwoven lives — not merely sharing a home or a bed. It is a factual inquiry at each relevant time, and there is no one-size-fits-all.

If you have separated for a final time, and you are uncertain whether your relationship meets the legal requirements of a de facto partnership, or you're uncertain about what your rights are after the end of your on-again, off-again relationship, call Tayla today for clear, compassionate legal guidance tailored to your unique circumstances.