

Financial Agreement

under section 90UD of the Family Law Act 1975
(Cwlth) for a de facto relationship

Dated [insert date]

[insert full legal name of first de facto partner] (“First Partner”)

[insert full legal name of second de facto partner] (“Second Partner”)

SAMPLE

Financial Agreement

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Financial Agreement

Details

Parties

First Partner	Name	[insert full name of first de facto partner]
	Address	[insert address]
	Telephone	[insert telephone number]

Second Partner	Name	[insert full name of second de facto partner]
	Address	[insert address]
	Telephone	[insert telephone number]

Recitals

- A** The parties commenced living in a De Facto Relationship on [insert date] at [insert address], and continued to live in a De Facto Relationship for a period of [insert period].
- B** The parties separated on [insert date] and are now living separately and apart, and there is no reasonable likelihood of cohabitation being resumed by the parties.
- C** The parties:
- (a) have not entered into a binding superannuation agreement in respect of the respective superannuation interests of either party;
 - (b) intend to agree a parenting plan in respect of the children born of the De Facto Relationship; and
 - (c) intend to agree a child support agreement in respect of the children born of the De Facto Relationship.
- D** The parties wish to finalise all financial matters between them (on the terms set out in this agreement), and this agreement (and the associated Separation Declaration) is made under sections 90UD and 90UF of the *Family Law Act 1975 (Cwlth)*, respectively.
- E** The parties acknowledge that, by virtue of the entry into this agreement by the parties, the provisions of Division 2 of Part VIIIAB of the *Family Law Act 1975 (Cwlth)* that relate to spousal maintenance, the property of the parties and the financial resources of the parties, will not apply, and will instead be governed by the terms of this agreement.

Date	[insert the date that this agreement is signed by the parties]
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Financial Agreement

General terms

2 Definitions

Capitalised terms used in this agreement have the meaning given below:

Act means the *Family Law Act 1975 (Cwlth)*.

Certificate means the certificate of independent legal advice under section 90UJ of the Act, as set out in annexure B.

De Facto Relationship means the former relationship between the First Partner and the Second Partner which satisfies the criteria of a de facto relationship, as that term is defined in section 4AA of the Act.

First Partner means the person identified as such in the “Details” section of this agreement.

Second Partner means the person identified as such in the “Details” section of this agreement.

Separation Declaration means the separation declaration made pursuant to section 90UF of the Act, as set out in annexure A.

3 Separation Declaration

- (a) The parties acknowledge that this agreement (in so far as it relates to how all or any of the property or financial resources of either or both of the parties is to be dealt with) is of no force and effect until each party executes the Separation Declaration.
- (b) The parties agree to execute the Separation Declaration in the form set out in annexure A.

4 Marital status and children

4.1 Children of the De Facto Relationship

Choose one of the following clauses, and insert relevant details where indicated:

There are no children of the De Facto Relationship under the age of 18 years.

OR

There are [insert number] children born of the De Facto Relationship, as follows:

- (a) [insert full legal name of first child], born on [insert date] and currently living with [insert name]; and