

1.09A (1) In this regulation:~

“**ancestor**” includes a parent.

- (2) For the purposes of these Regulations, a person is in an interdependent relationship with another person if:
- (a) they are not within a prohibited degree of relationship; and
 - (b) they have both turned 18; and
 - (c) the Minister is satisfied that:
 - (i) they have a mutual commitment to a shared life to the exclusion of any spouse relationships or any other interdependent relationships; and
 - (ii) the relationship between them is genuine and continuing; and (iii) they:
 - (A) live together; or
 - (B) do not live separately and apart on a permanent basis; and
 - (d) subject to subregulation (2A), where either of them is an applicant for an Extended Eligibility (Temporary) (Class TK), General (Residence) (Class AS), Interdependency (Migrant) (Class BI) or Interdependency (Provisional) (Class UG) visa — the Minister is satisfied that, for the period of 12 months immediately preceding the date of application of the party relying on the existence of the relationship:
 - (i) they had a mutual commitment to a shared life to the exclusion of any spouse relationships or any other interdependent relationships; and
 - (ii) the relationship between them was genuine and continuing; and (iii) they had:
 - (A) been living together; or
 - (B) not been living separately and apart on a permanent basis.

[subreg (2) subst SR 92 of 1997 reg 3]

(2A) Paragraph 2(d) does not apply if the applicant can establish compelling and compassionate circumstances for the grant of the visa.

[subreg (2A) insrt SR 92 of 1997 reg 3]

- (3) For the purposes of this regulation, persons are within a prohibited degree of relationship if either of them is:
- (a) an ancestor or descendant of the other person; or
 - (b) a brother or sister of the other person (whether or not they have both parents in common).
- (4) For the purposes of subregulation (3):
- (a) a person is taken to be an ancestor or descendant of another person even if the relationship between them is traced through, or to, a person who is or was an adopted child; and
 - (b) the relationship of parent and child between an adoptive parent and an adopted child is taken to continue even though:
 - (i) the order by which the adoption was effected has been annulled, cancelled or discharged; or
 - (ii) the adoption has otherwise ceased to be effective; and
 - (c) the relationship between an adopted child and the adoptive parent, or each of the adoptive parents, is taken to be or to have been the natural relationship of child and parent; and
 - (d) a person who has been adopted more than once is taken to be the child of each person by whom he or she has been adopted.
- (5) In forming an opinion for the purposes of subregulation (2) in relation to an application for a visa, the Minister must have regard to all the circumstances of the relationship, including, in particular:
- (a) the financial aspects of the relationship including:
 - (i) any joint ownership of real estate or other major assets; and
 - (ii) any joint liabilities; and
 - (iii) the extent of any pooling of financial resources, especially in relation to major financial commitments; and
 - (iv) whether one party to the relationship owes any legal obligation in respect of the other; and
 - (v) the basis of any sharing of day-to-day household expenses; and
 - (b) the nature of the household, including:
 - (i) any joint responsibility for care and support of children, if any; and
 - (ii) the persons’ living arrangements; and
 - (iii) any sharing of responsibility for housework; and
 - (c) the social aspects of the relationship, including:
 - (i) the opinion of the persons’ friends and acquaintances about the nature of the relationship; and
 - (ii) any basis on which the persons plan and undertake joint social activities; and
 - (iii) whether the persons represent themselves to other persons as being in an interdependent relationship; and
 - (d) the nature of the persons’ commitment to each other, including:
 - (i) the duration of the relationship; and
 - (ii) the length of time during which the persons have lived together; and
 - (iii) the degree of companionship and emotional support that the persons draw from each other; and
 - (iv) whether the persons themselves see the relationship as a long-term one.

[subreg (5) am SR 211 of 1996 reg 66; SR 92 of 1997 reg 3]

(6) If 2 persons have been living together at the same address for 6 months or longer, that fact is to be taken to be strong evidence that the relationship is genuine and continuing, but a relationship of shorter duration is not to be taken not to be genuine and continuing only for that reason.

(subreg (6) am SR 92 of 1997 reg 3]

[reg 1.09A insrt SR 117 of 1995 reg 4]