

EXTRAORDINARY



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GOVERNMENT OF FIJI

FAMILY LAW (AMENDMENT) DECREE 2012
(DECREE NO. 34 OF 2012)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of the Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

Short title and commencement

1.—(1) This Decree may be cited as the Family Law (Amendment) Decree 2012 and shall come into force on the date of its publication in the *Gazette*.

(2) The Family Law Act 2003 is referred to as the “Act”.

Section 154 amended

2. Section 154 of the Act is amended by inserting the following new definitions—

“*de facto* relationship” means the relationship between a man and a woman who live with each other as spouses on a genuine domestic basis although not legally married to each other;”

“party to a marriage” includes a party to a *de facto* relationship.

New section inserted

3. The Act is amended by inserting the following new section after section 154—

“154A. In determining whether two persons are in a *de facto* relationship, all the circumstances of the relationship are to be taken into account, including but not limited to the following as maybe relevant in a particular case—

- (a) the duration of the relationship;
- (b) the nature and extent of common residence;
- (c) whether or not a sexual relationship exists;
- (d) the degree of financial dependence or interdependence and arrangements for financial support between the parties;
- (e) the ownership, use and acquisition of property;
- (f) the degree of mutual commitment to a shared life;
- (g) the care and support of children, if any;
- (h) the performance of household duties; and
- (i) the reputation and public aspects of the relationship.”

GIVEN under my hand this 26th day of April 2012.

EPELI NAILATIKAU
President of the Republic of Fiji