

**Relevant Factors in Determining whether two Persons are in a Cohabitation Relationship
in the New Section 3B(2) and in Other Common Law Jurisdictions**

	New Section 3B(2)	Canada	Australia	New Zealand
(i)	whether the parties are living together in the same household	Shelter: whether the parties live under the same roof	the nature and extent of common residence	whether and how frequently the parties live in the same house
(ii)	whether the parties share the tasks and duties of their daily lives	Services: the conduct and habit of the parties in relation to preparation of meals, washing and mending clothes, shopping, household maintenance; and any other domestic services	the performance of household duties	whether the parties share household and other domestic tasks whether the parties runs a common household, even if one or other partner is absent for periods of time
(iii)	whether there is stability and permanence in the relationship		the duration of the relationship	

	Proposed Section 3B(2) in the Bill	Canada	Australia	New Zealand
(iv)	the arrangement of sharing of expenses or financial support, and the degree of financial dependence or interdependence, between the parties	Economic support: the financial arrangements between the parties regarding the provision of or contribution towards the necessities of life (food, clothing, shelter, recreation, etc. and the arrangements concerning the acquisition and ownership of property, etc.)	the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties the ownership, use and acquisition of property	whether the parties share costs and other financial responsibilities by the pooling of resources or otherwise
(v)	whether there is sexual relationship between the parties	Sexual and personal behaviour: whether the parties have sexual relations	whether or not a sexual relationship exists	whether the parties have a sexual relationship
(vi)	whether the parties have any children and how they act towards each other's children	Children: the attitude and conduct of the parties concerning the children	the care and support of children	whether and to what extent the parties share the responsibility for bringing up and supporting any relevant children
(vii)	the motives of the parties in living together		the degree of mutual commitment to a shared life	

	Proposed Section 3B(2) in the Bill	Canada	Australia	New Zealand
(viii)	whether such a relationship exists between the parties in the opinion of a reasonable person with normal perceptions	Societal: the attitude and conduct of the community towards each of them and as a couple	the reputation and public aspects of the relationship	whether the parties conduct themselves towards and are treated by friends, relations and others as if they were a married couple
(ix)		Social: whether they participate together or separately in neighbourhood and community activities and the relationship and conduct of each of them towards members of their respective families and how such families behave towards the parties		whether the parties socialise together or attend activities together as a couple
(x)				whether the parties give each other emotional support and companionship
(xi)				whether the parties go on holiday together

Sources: Domestic Violence (Amendment) Bill 2009 and LC paper No. LS112/08-09 prepared by the Legal Service Division of the Legislative Council.