

Andrews v Parker [1973] Qd R 93

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Facts

- Parker was a married woman who separated from her husband.
- She then entered into an extramarital relationship with Andrews and moved into his home.
- Parker convinced Andrews to give her title to his home, which Andrews did, but on the proviso that if Parker reconciled with her husband then she would transfer title back to him.
- Parker reconciled with her husband
- Parker refused to give the house back, saying that the contract was void for immorality because her and Andrews were cohabiting while they were not married.

Issue

- Was the agreement to transfer the house back void on the grounds that it was against public policy?

Held

- The Court held that it was not void for immorality.
- They stated that the agreement was not supposed to bring about an immoral arrangement but just to decide what would happen if it ended
- Also, while the general community may have considered the union immoral, de facto relationships were recognised at law and this suggested that they were acceptable in the eyes of the law.

Law case summary from www.lawcasesummaries.com