



Family law changes from June 2025

Information for family law professionals

Overview

The [Family Law Amendment Act 2024](#) (Cth) (the Amendment Act) makes changes to the [Family Law Act 1975](#) (Family Law Act). This affects family law professionals and users of the family law system.

The changes focus on the financial and property aspects of relationship breakdown.

They also effect other areas of the Family Law Act, including:

- children's contact services
- case management of divorces and family dispute resolution (FDR)
- protecting sensitive information.

This information summarises each schedule of the Amendment Act. It covers:

- how the changes will apply
- when certain measures come into force, including to proceedings underway but not finalised.

It contains general information only and does not constitute legal advice.

For a simple overview of changes to the property framework, visit [Family law \(property\) changes from 10 June 2025: Fact sheet for separating couples](#).

The explanatory memoranda cover each provision in the Amendment Act in detail. You can find these on the [Federal Register of Legislation - Family Law Amendment Act 2024](#).

Schedule 1: Property

Family violence definition

The Amendment Act more clearly recognises economic or financial abuse as family violence within section 4AB of the Family Law Act. It:

- moves existing examples of economic or financial abuse into a stand-alone provision
- expands an existing example on unreasonably denying financial autonomy
- includes new examples of dowry abuse.

Property framework amendments

The Amendment Act codifies aspects of the case law to clarify the process for determining a property settlement.

The court must consider whether it is just and equitable to make any order adjusting the parties' property interests. The court is not required to make an order, and will only do so if satisfied that it would be just and equitable. This consideration permeates the entire decision-making process, which involves the following steps:

- Identify each party's legal and equitable rights and interests in any property, and their liabilities. Consider what each party contributed to the relationship before, during and after the relationship.
- The court will then allocate an overall percentage entitlement to each party based on those contributions.
- Consider the parties' current and future circumstances. At this step, the court may depart from its assessment of the parties' contributions-based entitlements and make an adjustment in favour of one party to account for their current and future circumstances, if it would be just and equitable to do so.
- Determine the final overall percentage split for dividing the property. Court orders will allocate specific property, finances and liabilities to the parties to implement this split.

The order of the decision-making steps above reflects how they are likely to be applied in most property matters. However, family law courts can approach these steps in any order to achieve a just and equitable outcome.



New considerations in property proceedings

Contributions

The Amendment Act inserts family violence into the list that the court can consider when assessing contributions. Where relevant, the court will consider the effect of family violence to which one party has subjected or exposed the other party, on the ability of a party to make financial or non-financial contributions or contribute to the welfare of the family.

Current and future circumstances

The Amendment Act includes a new list of factors the court will consider when assessing the current and future circumstances of the parties. These largely replicate or consolidate the list of factors the court considered prior to the changes brought in by the Amendment Act, with the addition of the following new factors:

- **Family violence:** Where a party was subjected or exposed to family violence, this factor permits the court to consider the economic effect of any family violence that a party was subjected or exposed to, on their current and future circumstances. This allows for a broader consideration of family violence than previously provided in case law.
- **Wastage:** Where a party intentionally or recklessly caused any material wastage of property or financial resources, this factor permits the court to consider the effect of that wastage in assessing the parties' current and future circumstances.
- **Liabilities:** Where the parties incurred any liabilities, this factor permits the court to consider the nature of the liabilities, the circumstances relating to them and the impact of those liabilities on the financial future of the parties.
- **Housing needs:** This expands an existing factor regarding the care of a child under 18, allowing the court to consider the need of either party to provide appropriate housing for such a child.

Spousal maintenance

The Amendment Act inserts family violence into the list of factors that the court can consider when assessing what order may be proper for spousal maintenance. Where relevant, the court will consider the economic effect of family violence to which one party has subjected or exposed the other party.

Companion animals

Under the Family Law Act, animals owned by parties to the relationship are treated as property. The Amendment Act adds a framework for dealing with family pets in property cases, separate from other property. The court can make interim and final orders about a pet that meets the definition of companion animal, including orders by consent.

The court can order that one party have sole ownership of a companion animal, that it be transferred to another person with their consent, or that it be sold. The court cannot make orders for shared ownership or shared care.

Definition of companion animal

The Amendment Act defines a companion animal as an animal kept primarily for companionship. It does not include an assistance animal or an animal kept as part of a business, for agricultural purposes or for use in laboratory tests or experiments.

An animal that is kept for more than one purpose would be excluded from the definition of a companion animal (for example, a sheep dog that is a source of companionship but also used to herd sheep as part of operating a farm). Animals that are not companion animals can be dealt with as any other type of property interest.

Factors the court will consider

The Amendment Act inserts a list of factors the court must consider for orders dealing with a companion animal. This includes considering:

- any history of actual or threatened abuse towards a companion animal
- any attachment by a party or a child of the relationship to the companion animal
- the ability of each party to care for the companion animal in the future.

The courts have broad discretion to assess and weigh the factors in the list.



Less adversarial approach

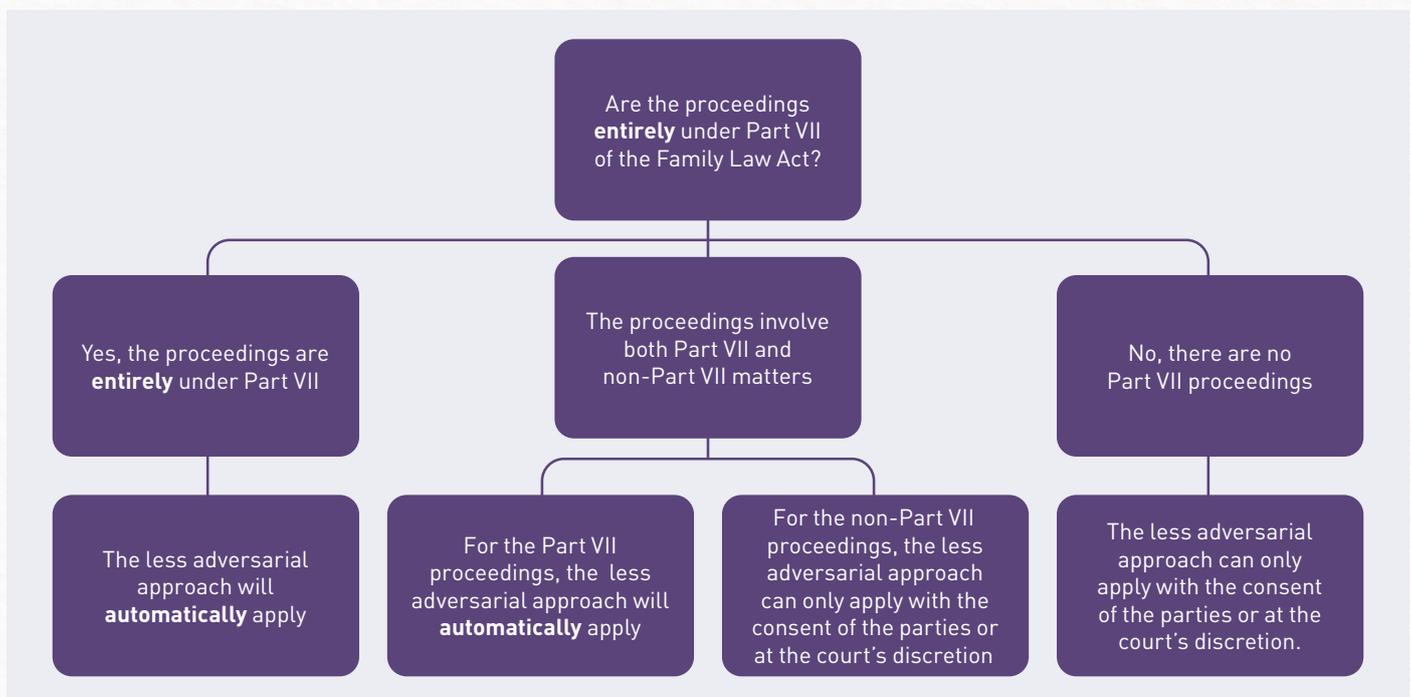
The Amendment Act expressly sets out the court's powers to more actively manage any type of family law proceeding through a less adversarial approach, aiming to reduce intimidation and stress of court processes for families. This may include using technology to facilitate remote attendance where there are allegations of family violence, or allowing evidence of the occurrence and effect of family violence which may not otherwise be admissible.

The approach also suspends portions of the rules of evidence, unless the court orders they should apply to an issue in proceedings in exceptional circumstances.

Previously, the approach could only be applied in Part VII proceedings (about parenting) and in property or financial proceedings where there were concurrent or past proceedings involving parenting matters, and only with the parties' consent.

The Amendment Act keeps the existing arrangement where the less adversarial approach will apply to all Part VII proceedings automatically. It specifies that the less adversarial approach will only apply to non-Part VII proceedings (including property and financial matters) either with the consent of the parties or at the discretion of the court.

How to determine if the less adversarial approach applies



Duty of disclosure in property and financial matters

The Amendment Act elevates the duty of disclosure in financial or property matters from court rules into the Family Law Act. Separating couples have a duty to give all relevant financial information and documents to each other and the court. The duty applies from the point a party is preparing to start, or is litigating, a property or financial proceeding and continues to apply throughout the proceedings until the matter is resolved.

The Amendment Act establishes a new obligation on legal practitioners and family dispute resolution practitioners to make parties aware of their duty of disclosure and encourage compliance by informing them about:

- the duty
- the possible consequences of non-compliance with the duty.

Consequences of non-compliance with the duty of disclosure can be significant and include:

- punishment for contempt of court with a fine or imprisonment
- costs orders against a party
- the court taking the non-compliance into account in determining what orders (if any) to make in a property settlement.



Arbitration

The Amendment Act specifies a single list of matters that can be arbitrated. This removes an unnecessary distinction between the types of matters that can be arbitrated privately or by court order.

Under the Amendment Act, an arbitrator or party can apply to the court for orders about the conduct of the arbitration. This includes terminating an arbitration if the court is satisfied that because of a change in circumstances, it is no longer appropriate to continue. For example, there may be safety concerns that impact a party's ability to safely and effectively participate in the arbitration.

Schedule 2: Children's contact services

The Amendment Act enables the Australian Government to establish accreditation rules governing the provision of children's contact services (CCS). These rules are to be established in regulations.

Once in place, courts will only be able to refer families to accredited CCS. Penalties, including strict liability offences, can apply for a CCS's non-compliance with the accreditation rules. The penalties for non-compliance are 50 penalty units for individuals and 250 units for corporations.

The Amendment Act also limits the sharing of information that could compromise safety in accessing CCS. For example, details of the public transport a family member might use to attend a session must remain confidential.

Schedule 3: Case management and procedure

Removing limitation on application for divorce

Previously, parties married less than 2 years seeking a divorce order had to file a certificate stating they had considered reconciliation with the assistance of a professional, or seek leave from the court to apply for divorce. The Amendment Act removes this requirement.

Anyone seeking a divorce order will be subject to the same processes under Part VI of the Family Law Act, regardless of the length of the marriage. Couples must still be separated for a minimum of 12 months and one day before applying.

Attending family dispute resolution before applying for Part VII order

In support of a Part VII (parenting) application, parties are required to file a certificate from an accredited family dispute resolution practitioner confirming that one of the following applies:

- The parties have attended family dispute resolution.
- One party has refused or failed to attend family dispute resolution.
- The family dispute resolution practitioner considers that family dispute resolution is not appropriate in the circumstances.

This is outlined in Section 60I of the Family Law Act.

However, a certificate is not required if one or more of these exemptions apply:

- There is urgency.
- There has been child abuse and/or family violence by a party.
- There is a risk of family violence by a party.
- A delay in applying to the court could create a risk of child abuse.
- A party is unable to participate effectively in family dispute resolution (for example, due to location or incapacity).
- There are reasonable grounds to believe that a person who has allegedly contravened an order made in the last 12 months has behaved in a way that shows a serious disregard for their obligations under that order.

The Amendment Act gives courts the express power to reject a Part VII (parenting) application for filing if there is no certificate or applicable exemption.

If an application is rejected for non-compliance with section 60I, persons who would have been parties to proceedings can seek a review of a decision made by a delegate exercising the new power.

Attendance at divorce proceedings

The Amendment Act makes changes to section 98A of the Family Law Act. The changes mean divorcing parties will have the same court attendance requirements regardless of whether:

- they file solely or jointly
- there are children of the marriage.

The court will be able to hear sole divorce applications without attendance at court even if there are children to the marriage under the age of 18 years.

This is already in place for joint applicants and for sole applicants where there are no children of the marriage.



Commonwealth information orders

The Family Law Act empowers the courts to make Commonwealth information orders (CIOs), which compel Commonwealth departments or agencies to provide information concerning the location of a missing child. This includes any information about actual or threatened violence against the child, a parent, or another person the child lives with. This information can help the court make further orders for the recovery of a child or the service of a parenting application.

The Amendment Act clarifies that information related to violence must be provided even if a department or agency does not have location information, and that CIO obligations apply regardless of other laws that may prevent information disclosure. These amendments ensure that the court can access critical information about risk or actual violence to a child, even where there is no available information about the location of a child.

To ensure that the court has access to critical risk-related information that may relate to a child or that child's family member, the Amendment Act expands the category of persons that departments or agencies may need to provide violence-related information about if ordered to do so under a CIO. CIOs are no longer limited to the child, a parent, or a person with whom the child lives. The expansion includes the child and their relatives, such as parents, siblings, grandparents, uncles and aunts, nieces and nephews, cousins, step-relatives, foster relatives, and any other person the court deems relevant and who has a connection to the child (for example, a person who lives with or has care of the child).

Jurisdiction of state courts to make parenting orders

The Amendment Act clarifies the operation of existing provisions that enable state or territory courts to be prescribed with jurisdiction to make family law parenting orders. The amendment explicitly empowers a state or territory court prescribed for the purposes of section 69GA with the same jurisdiction under Part VII of the Family Law Act as if those proceedings were heard in a state or territory court of summary jurisdiction.

Protecting sensitive information

The Amendment Act empowers parties in the family law system, and others, to take steps to prevent access to evidence of certain confidential communications referred to as 'protected confidences'. This recognises that while protected confidences evidence will sometimes be relevant in proceedings, disclosure of this evidence can be distressing and harmful to parties and children involved.

The protections relate to communications occurring where a person seeks treatment or support from:

- health services (where 'health' refers to both psychological and physical health)
- specialist family violence services
- specialist sexual violence services.

To meet the definition of 'protected confidence', a communication must also have arisen in the course, or in connection with, a professional relationship where there is an express or implied obligation of confidentiality.

When a party requests or subpoenas records which include protected confidences, the court will be able to make a direction to protect this type of evidence where access would be likely to cause harm to a protected confider or a child involved in the proceedings. Such a direction would mean that the evidence is not to be adduced in proceedings, and/or that documents are not to be produced, inspected or copied in relation to certain disclosure requirements (including subpoenas).

An application for a direction can be made by:

- a confider, confidant, litigation guardian or person in possession or control of a relevant document (such as a health service or health professional)
- in the case of a child, an independent children's lawyer (ICL) or other person with certain relationships to a child (such as those who have care of a child, or have or propose to have parental responsibility).

A court can also make a direction on its own initiative.

A court will decide whether the likely harm that would be caused to the confider, or a child in the proceedings, would outweigh the desirability of accessing the evidence.

Examples of the types of harm that may be considered by the court include:

- physical harm
- psychological harm or oppression
- mental distress
- a detrimental effect on the other party's capacity to care for a child
- financial harm.

The court must also consider the importance and probative value of the evidence, and the means available to the court to limit any possible harm. In parenting proceedings, the best interests of the child will be the court's paramount consideration.



Schedule 4: General provisions

Costs orders

The Amendment Act repeals and replaces the costs provisions in the Family Law Act to provide greater clarity about when and how the court can make costs orders in family law matters. It also clarifies the circumstances when parties could be ordered to pay the costs of an ICL in a parenting proceeding. The costs provision has also been moved and renumbered in the Act.

The amendments:

- incorporate provisions that were solely found in the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and Family Court Rules 2021 (WA) into the Family Law Act, including rules relating to when a party to proceedings may make an application for costs, how costs will be calculated, and the types of costs orders that a court may order
- clarify that recipients of assistance under the Family Violence and Cross-examination of Parties Scheme may be ordered to pay for costs of the ICL unless an existing financial hardship provision applies
- make clear that a costs order can be made against a party who previously received legal aid, but is no longer eligible due to a change in financial circumstances.

Rule-making power for a Family Court of a State

The Amendment Act provides a new power for a Family Court of a State to make its own rules of court when exercising its federal family law jurisdiction. Currently, the Family Court of Western Australia (FCWA) is the only Family Court of a State under section 41 of the Family Law Act. These changes mean that the FCWA can more efficiently and flexibly make and change its rules of court, without requiring approval from the judges of the Federal Circuit and Family Court of Australia (Division 1).

Review of approved methods and factors for valuing superannuation interests

The Amendment Act establishes a power to make regulations requiring superannuation trustees to review the actuarial formulas (called the approved methods and factors) used to value superannuation interests for family law matters. It includes transitional arrangements to be made for the Family Law (Superannuation) Regulations 2001, by providing the Minister with the power to approve 'transition factors' for calculating a non-member spouse's entitlement after a family law superannuation splitting order or agreement.

Separation declaration requirements

The Amendment Act removes certain separation declaration requirements for parties seeking to split their superannuation by agreement, where the total value of a member's superannuation interests exceeds the low rate cap set under the *Income Tax Assessment Act 1997*. This reflects that the low rate cap is no longer relevant for taxation purposes from 1 July 2024.

Schedule 5: Review of amendments

There will be a review of the operation of the Amendment Act to ensure the new provisions are operating as intended. This review must commence as soon as possible after 10 June 2028 and be completed within 12 months. A report of the review must be tabled in Parliament.



Commencement dates

Some measures in the Amendment Act come into force earlier than others.

Measures with a commencement date of 11 December 2024:

- Schedule 3
 - Part 3 – Commonwealth information orders
 - Part 4 – Operation of section 69GA
- Schedule 4
 - Part 2 – Court rule making power for Family Court of a State
 - Part 3 – Review of approved methods and factors for valuing superannuation interests
 - Part 4 – Separation declaration requirements
- Schedule 5 – Statutory review of amendments.
Note: the review must start as soon as practicable after the third anniversary of the day that the main property framework amendments (Division 1 of Part 1 of Schedule 1) commence. Those amendments commence 6 months after royal assent on 10 June 2025, so the review must commence as soon as practicable after 10 June 2028.

Measures with a commencement date of 10 June 2025:

- Schedule 1
 - Part 1 – Property framework
 - Part 2 – Principles for conducting property or other non-child-related proceedings
 - Part 3, Division 1 – Duty of disclosure
 - Part 3, Division 2 – Arbitration
- Schedule 2 – Children’s contact services
- Schedule 3
 - Part 1A – Removing limitation on application for divorce
 - Part 1 – Attending family dispute resolution before applying for Part VII order
 - Part 2 – Attendance at divorce proceedings
 - Part 5 – Protecting sensitive information
- Schedule 4
 - Part 1 – Costs orders



Application to proceedings underway at the time of commencement

It is important to note that an application for court orders that is made before 10 June 2025 will be subject to the new laws if the matter is still on foot and has not progressed to a final hearing before 10 June 2025.

Schedule	Measure	How measure applies to proceedings
1	Part 1 – Property framework Part 2 – Principles for conducting property or other non-child-related proceedings	These changes apply to all proceedings instituted from 10 June 2025. The changes also apply to proceedings instituted before 10 June 2025 and not yet finally determined, except where the final hearing is already underway.
	Part 3, Division 1 – Duty of disclosure	These changes only apply to proceedings instituted from 10 June 2025. Note: prior to 10 June 2025, the duty of disclosure is in the Federal Circuit and Family Court of Australia (Family Law) Rules 2021.
	Part 3, Division 2 – Arbitration	From 10 June 2025, the court can refer a proceeding specified in the new provisions to arbitration, whether or not the proceedings were instituted before or after 10 June 2025. The changes, which allow an arbitrator or a party to seek an order of the court in relation to the conduct of the arbitration, apply in relation to an arbitration that is underway before or after 10 June 2025.
2	Children’s Contact Services	N/A
3	Part 1A – Removing limitation on application for divorce	These changes apply to all proceedings instituted from 10 June 2025. The changes also apply to proceedings instituted before 10 June 2025 and not yet finally determined.
	Part 1 – Attending family dispute resolution before applying for Part VII order	These changes apply to all applications for parenting orders made from 10 June 2025.
	Part 2 – Attendance at divorce proceedings	These changes apply to all divorce proceedings instituted from 10 June 2025. The changes also apply to proceedings instituted before 10 June 2025 and not yet finally determined.
	Part 3 – Commonwealth information orders	These changes apply to all Commonwealth Information Orders made from 11 December 2024.
	Part 4 – Operation of section 69GA	N/A
	Part 5 – Protecting sensitive information	These changes apply to all proceedings instituted from 10 June 2025. The changes also apply to proceedings instituted before 10 June 2025 and not yet finally determined, except where the final hearing is already underway.
4	Part 1 – Costs orders	These changes apply to all proceedings instituted from 10 June 2025. The changes also apply to proceedings instituted before 10 June 2025 and not yet finally determined, except where the final hearing is already underway.
	Part 2 – Court rule making power for Family Court of a State	N/A
	Part 3 – Review of approved methods and factors for valuing superannuation interests Part 4 – Separation declaration requirements	
5	Statutory review	N/A