



Family law (property) changes from 10 June 2025

Fact sheet for separating couples

Family law is changing. These changes may impact separating couples who have a property matter before the family law courts or who are trying to decide what happens to their property and finances after separation. This is known as a 'property settlement'.

This fact sheet will help separating couples to understand how the new law operates. It contains general information only and is not intended to represent legal advice.

Arrangements for finances and property after separation

Most separating couples make their own arrangements for what happens to their finances and property after their relationship ends. Some couples use dispute resolution outside of court to reach agreement. Couples who cannot reach agreement through dispute resolution can apply to the family law courts to determine a property settlement. The family law courts have broad powers to make orders about property (such as the family home, shares, or superannuation), and liabilities (debts), if it would be just and equitable to do so.

From 10 June 2025, the *Family Law Act 1975* includes changes to the law about:

- how the family law courts will determine a property settlement
- what the family law courts will consider when determining a property settlement. This includes the economic effect of any family violence, where relevant.

These changes apply to all separating couples, whether their property settlement is determined by the family law courts, or they are negotiating outside of court.

Process for determining a property settlement

When considering a property matter, the family law courts must:

- identify all property and liabilities (debts) of the parties
- assess each party's contributions to the property pool, and to the welfare of the family
- assess each party's current and future circumstances. The family law courts will consider matters such as each party's age and state of health, and the care and housing needs of any children
- only make orders that are, in all of the circumstances, just and equitable.

Separating couples negotiating outside of court should also follow this process.

Relevance of family violence to property settlements

Family violence means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family, or causes the family member to be fearful.

From 10 June 2025, the economic effect of family violence must be considered, where relevant, when making decisions about property and finances after separation. The amendments also make clear that economic or financial abuse may constitute family violence. This might include where a person has controlled all of the finances or spending.

The impact of family violence could be relevant when assessing a party's contributions to the property pool and to the welfare of the family (for example, if they were not allowed to work), and when assessing their current and future circumstances (for example, if they have ongoing counselling or rehabilitation costs).



The changes to the law do not permit the family law courts to:

- sentence someone for engaging in family violence conduct. Prosecutions for family violence offences are made in state and territory criminal courts
- order compensation for harm caused by family violence. Compensation may be available under a Victims of Crime Compensation Scheme, or under an order from a state or territory civil court
- make a family violence order to protect someone from family violence, or alter existing orders made by state or territory courts to protect someone from family violence. Orders for protection against family violence are made or amended by state or territory courts.

Companion animals in family law property settlements

Separating couples can make arrangements for what happens to their companion animals (family pets), without going to court. This is what happens most of the time.

If separating couples cannot agree, they can apply to the family law courts to make an order. From 10 June 2025, when considering what order, if any, to make about family pets, the family law courts must consider a specific list of matters that apply only in relation to family pets.

This includes:

- any animal abuse, including threatening behaviour as a form of family violence
- the attachment of each party, or children of the relationship to the family pets.

The family law courts can only make certain types of orders about family pets. The family law courts cannot make orders for joint ownership or arrangements for sharing possession of family pets.

Duty of financial disclosure

Separating couples have a duty to give all relevant financial information and documents to each other and the court. From 10 June 2025, the duty of disclosure is in the *Family Law Act 1975* instead of the Federal Circuit and Family Court of Australia (Family Law) Rules. The nature of the duty is the same.

The duty applies to all disputes about finances and property that arise following separation. It is an ongoing duty, which means separating couples must provide all relevant information when they are trying to resolve their property matter.

There can be consequences if separating couples do not do this. For example, the family law courts may:

- take non-compliance into account in a property settlement
- impose sanctions, such as costs orders
- punish a party for contempt of court with a fine or imprisonment, or
- defer or dismiss all or part of the proceedings.

Existing property settlements

Existing financial or property orders do not change because of the new laws. People with existing orders should continue to follow those orders.

People already in court

The changes apply to all new and existing proceedings, except where a final hearing has commenced. This means the new law applies to all matters (unless a final hearing has commenced), even if an application was filed before 10 June 2025. People who are already in court and do not have a lawyer, may wish to seek legal advice about how the changes may impact them.

Child support

Child support is generally dealt with separately to a family law property settlement.

Services Australia administers child support in Australia. They can be contacted on 131 272.

Help and support

If you have immediate safety concerns, contact 000.

If you or someone you know needs help, 1800 RESPECT is a confidential online and telephone counselling, information and referral service that provides support to people who have experienced sexual assault, family and/or domestic violence. To access 1800RESPECT, you can phone 1800 737 732, 24 hours a day, 7 days a week, chat online via www.1800RESPECT.org.au, or text 0458 737 732.

More information

For legal advice or support, please refer to the Family Law Services and Support fact sheet which can be found at: <https://www.ag.gov.au/families-and-marriage/publications/family-law-services-and-support-fact-sheet>.