

Big changes to Australia's Family Law Act from June 2025: a comprehensive overview

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The *Family Law Amendment Act 2024*, passed by the Australian Parliament on 29 November 2024, brings important changes to the *Family Law Act 1975* ("**Act**"), which is the principal piece of legislation that deals with family law issues in Australia.

This article will explain some of the key changes that will **come into effect on 10 June 2025** and what they mean for people going through a property settlement and/or divorce.

These key changes include:

1. recognising the role of companion animals in property settlements;
2. redefining family violence to be broader in scope;
3. the inclusion of new factors the court can consider when dividing property;
4. a duty to disclose financial information; and
5. removing the 2-year limitation for divorce applications.

These changes will apply to all new and existing court proceedings as at 10 June 2025, excluding proceedings where a final hearing has already commenced.

Changes to dealing with animals in property settlement proceedings?

Prior to the 10 June 2025 changes, animals were classified strictly as property and were dealt with based on their perceived monetary value, in much the same way as other assets in property settlement proceedings.

While animals are still legally considered to be property, the changes introduce a more nuanced approach, allowing the court to consider a broader range of factors when dealing with a specific category of animals referred to as “companion animals”.

Companion animals are defined in the Act as animals that are kept “primarily for the purpose of companionship”. This definition excludes animals that are required for assistance, kept as part of a business, used for agricultural purposes, or kept for laboratory testing or experimentation.

The Act provides a list of considerations the court must take into account when making orders as to the ownership of a companion animal in property settlement proceedings between parties to a marriage. The same applies to property settlement proceedings between parties to a de facto relationship.

These changes to the Act mark a significant shift in the law and reflect a growing awareness of the unique role of companion animals within families.

You can read more about this in our earlier article, “Family violence reforms to protect pets – effective from June 2025”.

Family violence changes in family law from June 2025

The definition of family violence in the Act remains largely the same. However, the terms “economic abuse” and “financial abuse” have been redefined to be broader in scope.

Prior to the changes, subsection 4AB(2) of the Act recognised the following as examples of behaviour that may constitute economic or financial abuse:

1. *unreasonably denying the family member the financial autonomy that he or she would otherwise have had*; or
2. *unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependant on the person for financial support;*

From 10 June 2025, the definition of economic and financial abuse will be broadened to encompass (but is not limited to) the following (at sub-section 4AB(2A)):

1. *unreasonably denying the family member the financial autonomy that the family member would otherwise have had, such as by:*

1. *forcibly controlling the family member’s money or assets, including superannuation;*
2. *sabotaging the family member’s employment or income or potential employment or income;*
3. *forcing the family member to take on a financial or legal liability, or status; or*
4. *forcibly or without the family member’s knowledge, accumulating debt in the family member’s name;*

2. *unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or the family member’s child (including at a time when the family member is entirely or predominantly dependent on the person for financial support);*

3. *coercing a family member (including by use of threats, physical abuse or emotional or psychological abuse):*

1. *to give or seek money, assets or other items as dowry; or*

2. *to do or agree to things in connection with a practice of dowry;*

4. *hiding or falsely denying things done or agreed to by the family member, including hiding or falsely denying the receipt of money, assets or other items, in connection with a practice of dowry.*

The effect of family violence on a party to a marriage or de facto relationship can now also be taken into account by the court when making an order for spousal maintenance, a factor that was not previously considered.

Family violence can have a significant impact on a person's physical and emotional well-being. The Act now gives the court power to alter property interests, taking into account the effect family violence has on the ability of a party to make financial contributions, non-financial contributions and contributions as homemaker and parent in the relationship.

What factors will courts consider when assessing current and future circumstances in property settlement proceedings?

When assessing the current and future circumstances of parties for the purposes of determining how to divide property interests, the factors considered by the court remain largely the same. There are, however, some new additions.

From 10 June 2025, the Act provides that the court may also take into account the following factors, which were not previously considered:

Family violence: the effect of any family violence, to which one party to the relationship has subjected or exposed the other party, on the current and future circumstances of the other party;

Wastage: the effect of any material wastage of property or financial resources, caused intentionally or recklessly by a party to the relationship. Examples of wastage include excessive gambling or extravagant purchasing;

Liabilities: any liabilities (debts, credit cards, mortgage, etc.) incurred by either of the parties to the relationship or both of them, including the nature of the liabilities and the circumstances relating to them; and

Care of children: the extent to which either party to the relationship has the care of a child of the relationship (who is under 18 years), including the need of either party to provide appropriate housing for such a child.

It is of importance to note that the court will not make an order to alter property interests unless it is satisfied that, in all the circumstances, it is just and equitable to make the order.

Changes to disclosure obligations in property settlement proceedings?

All parties to a property settlement proceeding have a duty to the court to give full and frank disclosure in a timely manner, regardless of whether they are parties to a marriage or parties in a de facto relationship.

The duty to disclose information applies from the start of a property settlement proceeding and continues until the proceedings have been finalised. Failure to comply with your duty to disclose information will result in consequences.

Not only do the parties have an obligation to disclose information, but a legal practitioner or family dispute resolution practitioner who engages with a separated party to a marriage and/or de facto relationship must also provide the party with information about:

- the duties of disclosure and explain the circumstances in which they apply; and
- potential consequences of the party not complying with the duties; and
- encourage the party to take all necessary steps to comply with the duties.

Changes to time limits for divorce applications

The limitation (timeframe) on applications for divorce orders within 2 years of marriage has been repealed and will no longer apply when the new changes come into effect on 10 June 2025.

Prior to the changes, parties married for less than two years were not permitted to apply for a divorce without leave of the court unless they filed, together with their application, a certificate stating that they had considered reconciling with one another with the assistance of a person specified in the Act (i.e. a family counsellor).

Despite the removal of the limitation to apply for divorce, it is still a requirement that parties be separated for a minimum of 12 months and one day before applying for a divorce. However, parties no longer need to attend upon a family counsellor to discuss reconciliation before applying for divorce.

In summary

These key changes to the Act aim to make the law fairer and more responsive to people's real-life experiences. Whether it's recognising the emotional significance of companion animals, giving more weight to the effects of family violence, or simplifying divorce, these changes are designed to better support families during separation.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.