



Family Law Amendment Act 2024

**Family Law Pathways Network Webinar
Series –
April-May 2025**



Future sessions

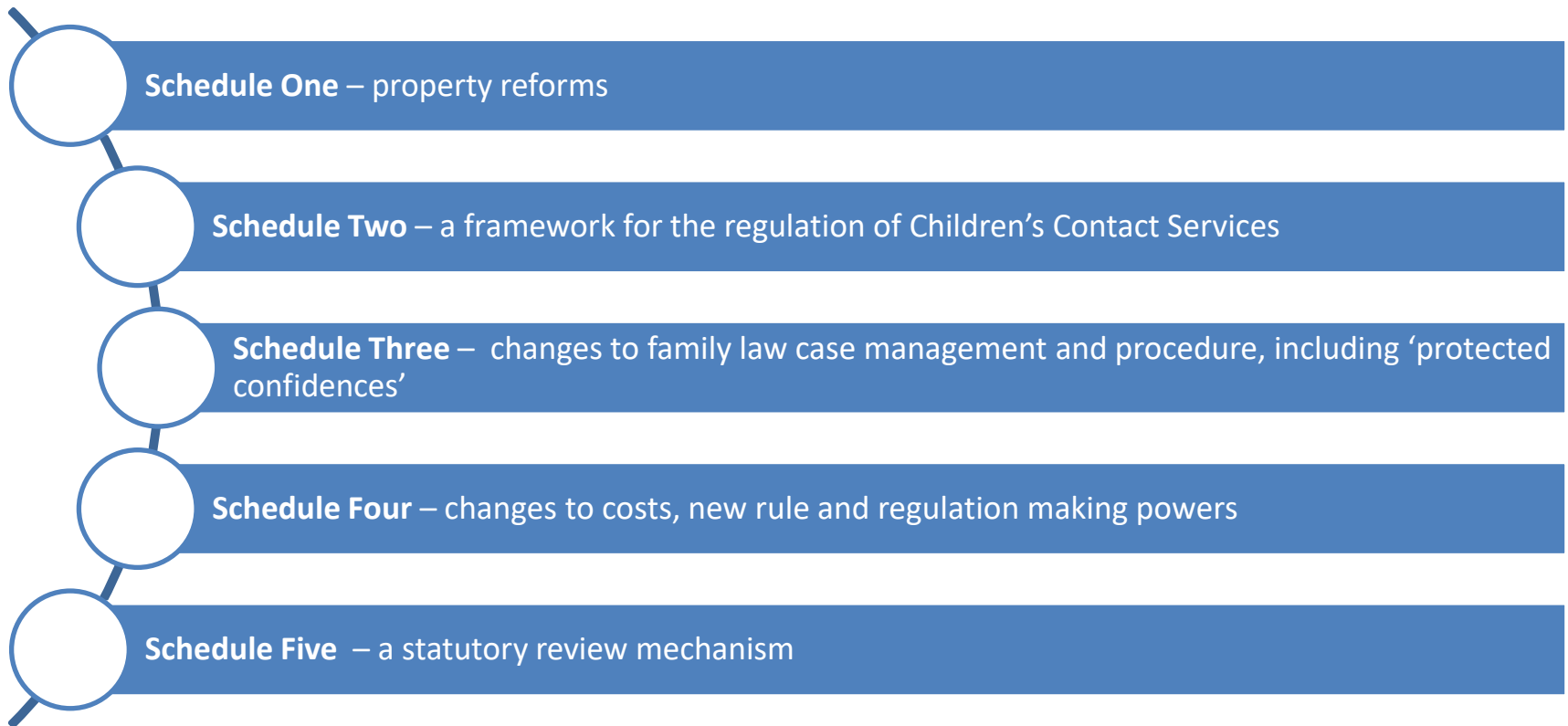
Panel seminar for **family dispute resolution practitioners**: 29 April 2025

Panel seminar for **legal practitioners**: 27 May 2025

Please submit any questions or topics of interest that you might like to hear the panels discuss
via: FamilyLawAmendmentAct2024@ag.gov.au



Overview of Family Law Amendment Act 2024





Property reforms: Part 1, Schedule 1

Codify

decision-making steps

Simplify

Parts VIII and VIIIAB of
the Family Law Act

New and amended factors

*wastage, liabilities, housing
needs of children*

Account for economic
consequences of
family violence

**Expressly recognise
economic or financial
abuse** as family
violence

Ownership of
companion animals



Property reforms: Part 1, Schedule 1

Codify decision-making steps

- Identify legal and equitable rights and interests in property, and existing liabilities (s79(3)(a)(i)-(ii))
- Take into account considerations relating to contributions (s79(3)(b)(i))
- Take into account considerations relating to current and future circumstances (s79(3)(b)(ii))
- The court must not make an order unless it is satisfied that, in all the circumstances, it is just and equitable to make the order (s79(2))



Property reforms: Part 1, Schedule 1

Simplify

Parts VIII and VIIIAB of the
Family Law Act

- Co-locate all factors relevant to determining a property settlement (matters relevant to property proceedings in s75(2) now listed in s79(5))
- Relocate matters ancillary to making a property order (s79AA)
- Minor changes to increase accessibility of legislation



Property reforms: Part 1, Schedule 1

New and amended factors

Wastage (s79(5)(d))

- the effect of any material wastage, caused intentionally or recklessly by a party, of property or financial resources

Liabilities (s79(5)(e))

- any liabilities incurred by either or both of the parties, including the nature of the liabilities and the circumstances relating to them

Housing needs of children (s79(5)(f))

- the extent to which either party has the care of a child of the relationship (under 18 years), including the need of either party to provide appropriate housing for such a child



Property reforms: Part 1, Schedule 1

Account for economic
consequences of **family
violence**

The *effect* of any family violence, to which one party has ***subjected or exposed*** the other party

s79(4)(ca) – contributions

s79(5)(a) – current and future circumstances

s75(2)(aa) – spousal maintenance

- New factors do not permit orders for punishment or compensation
- The **economic consequences of family violence** are relevant to determining a property settlement

Additional examples of what behaviour might be economic and financial abuse are now in the definition of family violence in section 4AB



Property reforms: Part 1, Schedule 1

Ownership of **companion animals**

- **New definition** of companion animal (i.e. pets) (s4(1))
- **Specific factors** (s79(7)) for the court to consider, when making orders about companion animals in property proceedings, including:
 - any family violence, any history of animal cruelty or abuse
 - ability to care, any attachments
- **Court can only order** (s79(6)):
 - **sole ownership (not shared ownership)**
 - **transfer of ownership to another person (with that person's consent), or**
 - **sale.**



Part 2, Schedule 1: Less Adversarial Approach

- **Less adversarial approach** – a less formal approach in family law litigation
- Continues to apply automatically to proceedings involving **children** (s102ND(1), 102ND(2)(a)).
- The Act enables a less adversarial approach to **property or financial proceedings**, where:
 - parties consent (s102ND(2)(b)(i), 102ND(3)(a)), or
 - at the court's discretion (s102ND(2)(b)(ii), 102ND(3)(b)).

The less adversarial approach provisions are now located in Division 4 of Part XI – Procedure and Evidence.



Disclosure and Arbitration: Part 3, Schedule 1

Disclosure

*Duty inserted into the Family Law Act
(s71B)*

*New obligations for legal practitioners and
family dispute resolution practitioners
(s71B(10))*

Arbitration

*Consolidated list of matters that may be
arbitrated
(s13E(1A))*

*New powers for arbitrators – to apply to the
court for directions
(s13F)*



Schedule 2: Children's Contact Services

- A **regulatory framework** for Children's Contact Services
 - To ensure the provision of safe and child-focussed services, for children whose families are unable to safely manage contact and changeover arrangements on their own.
- **Regulations** under development



Schedule three: case management and procedure

Part 1A

Removing
limitations on
applications for
divorce within
two years of
marriage

(repeal existing
ss44(1B), 44(1C))

Part One

Pre-filing
requirements:
children's
matters
(s60i)

Part Two

Attendance at
divorce
proceedings
(repeal existing
s98A(1)(b))

Part Three

Cth Information
Orders
(ss67N – 67NA)

Part Four

Operation of
s69GA

Part Five

Protecting
sensitive
information

(Division 1B of
Part XI)



Part 5, Schedule 3: Protecting sensitive information

- A new mechanism to prevent access to evidence of certain confidential communications referred to as '**protected confidences**'
- Provisions operate to **protect evidence of a communication** occurring where a person seeks treatment or support from the following services (s102BA and s102BB):
 - health (both psychological and physical health)
 - specialist family violence
 - specialist sexual assault.
- **Test (summarised):** Whether the nature or extent of **harm** that is likely to be experienced by the protected confider or a child **outweighs the desirability of the evidence** being available in the course of proceedings (s102BE).



Schedule four: general provisions

Part One

Costs orders
(Part XIVC – Costs)

Part Two

State Court rule
making power
(§123A)

Part Three

Superannuation:
regulation-making
power
(ss90XT(3A) – (3D))

Part Four

Superannuation:
separation
declaration
requirements
(ss90XP(3)-(5), 90YU(3))



Schedule five: statutory review

- To be conducted **three years** after commencement of the major reforms on 10 June 2025
- To review whether the reforms are operating **effectively and as intended**



Questions or comments for future seminars

FamilyLawAmendmentAct2024@ag.gov.au

More information

www.ag.gov.au/families-and-marriage/publications/family-law-changes-june-2025-information-family-law-professionals