



Amendments to the Family Law Act 1975 (Cth): How this might affect you and your divorce

On 10 June 2025, changes to the *Family Law Act 1975* (the Act) came into effect across the country. This article is intended to explain the changes to the Act as they relate to applications for divorce.

Requirements for counselling

Prior to 10 June 2025, if you wanted to apply for a divorce but at the time of your application, it has been less than two years since you were married, there was a requirement on the parties to attend counselling and show that they had considered reconciliation with the assistance of a marriage counsellor. This was provided for under section 44(1B) and 44(1C) of the Act.

These sections have now been repealed meaning the requirement to file a counselling certificate with your divorce application for marriages of less than two years in length is removed. All parties filing for divorce will now be subjected to the same process, regardless of the length of the marriage.

The main push for the removal of this requirement was to recognise the additional cost and emotional distress such requirements would have for victims of family violence and to recognise the need to reduce the risk of exposing victims to further violence.

Attendance at divorce hearings

The *Family Law Amendment Act 2024* also made changes to section 98A of the Act meaning that the requirements to attend at a divorce hearing are now the same, regardless of whether you are applying for a sole application for divorce or a joint application.

Prior to 10 June 2025, if you filed a sole application for divorce and there was a child of either of the parties who was under the age of 18 years at the time the application was filed, then the party filing for divorce was required to attend at a Court hearing. This requirement has been removed.

There are still some circumstances that will require attendance at a divorce hearing and this includes if the Respondent files a Response for Divorce opposing the application, you are seeking an order for substituted service of the divorce documents or an order for dispensation of service. You may also be required to attend at the divorce hearing if there has been a change in circumstances since you filed your original application for divorce, if the parties resided under the one roof during the 12 month separation period or if there was a period of reconciliation during the separation period.

Of course, either party can opt to attend at the divorce hearing. For the party applying for a divorce, this is done by selecting the appropriate box on the application form. For the Respondent, this can be done by emailing the Court at least 7 days prior to the hearing and requesting to attend. Just because one party does opt to attend at the hearing, it doesn't mean the other party has to also attend.

Currently, any attendance at a divorce hearing will take place by telephone, with the details being published on the Court List on the Federal Circuit and Family Court of Australia website from 4pm the day prior to the hearing. The details are also available to the parties on the Commonwealth Courts Portal.

If you need help applying for a divorce or have any queries about your separation or family law matter, speak with one of our experienced family lawyers at Andersons Solicitors today.