

The Family Law Act 1975 (Commonwealth)

The Family Law Act 1975 is the main law on matters involving divorce, property settlement after marriage breakdown or de facto relationship breakdown, spouse maintenance for a party to a marriage, de facto partner maintenance for a party to a de facto relationship that has broken down and issues relating to parenting arrangements after separation. The courts that exercise the jurisdiction under the Family Law Act are the Family Court of Australia and the Federal Circuit Court of Australia.

If you reside in Western Australia and/or your case may occur in Western Australia, the main law is found in the Family Court Act 1997 (Western Australia) and the Family Legislation Amendment Act 2006 (Western Australia). The Court set up under that Act is the Family Court of Western Australia. For more information about the law and practices and procedures in Western Australia contact your local family court registry in Western Australia.

Australia's family law system helps people resolve the legal aspects of family relationship issues, including family relationship breakdown.

It encourages people to agree on arrangements without going to court.

To help achieve this, the services listed below can help families by giving them information and where relevant, referrals to providers of alternative dispute resolution services.

If you are interested in:

- participating in a post-separation service, or a referral to another family service:
 - visit the Family Relationships Online website
 - call the Family Relationship Advice Line on 1800 050 321 (8am to 8pm Monday to Friday; 10am to 4pm on Saturdays except public holidays).
- information about legal assistance and related services, visit the Legal Assistance website.
- legal aid assistance, visit the National Legal Aid website.
- for information on superannuation splitting, visit the superannuation splitting laws page.
- information on property settlement and you are in a de facto relationship, visit our de facto property regime page.

- taking your case before a family law court, visit the [Federal Circuit Court](#) website or the [Family Court of Australia](#) websites. Cases that may go to a family law court include:
 - married couples intending to divorce
 - parents who are unable to agree on arrangements between them on parenting or financial issues
 - one of the exceptions to a family dispute resolution. Specialist family law courts have jurisdiction to make orders on those issues in cases brought before them.
- assistance in understanding the most common family law terms used during separation, visit the [Family Law TermFinder](#) website.

The Family Court of Australia and the Federal Circuit Court hear cases throughout Australia, except in Western Australia, where the Family Court of Western Australia is the specialist court.

Structural reform of the federal courts

On 30 May 2018, the Attorney-General announced the government's intention to bring forward legislation for structural changes to the federal courts (excluding the High Court of Australia). For more information, visit the [structural reform of the federal courts](#) page.

Rules, Practice Directions and Guidelines

In the Family Law Act, the Parliament delegated authority to the Chief Justice of the Family Court to make rules, regulations and by-laws connected with the Act. These are known as the [Family Law Rules 2004](#). The Rules deal with the practice and procedure of the Court and apply to all proceedings under the Family Law Act in the Family Court.

The Chief Justice of the Family Court also has the authority to make practice directions and guidelines about the procedures of the Family Court. These are intended to inform everyone who uses the Court about the way cases move through the Court.

To view the Family Court Rules and Practice Directions see [Rules and Legislation](#).

If your case will take place in Western Australia, for more information about the Rules, Practice Directions and Guidelines that will apply go to [Family Court of Western Australia](#), or contact your local family court registry in Western Australia.

Child Support Acts 1988-89 (Commonwealth)

The Child Support (Registration and Collection) Act 1988 and the Child Support (Assessment) Act 1989 established the Child Support Agency. These Acts cover child support for:

- children who were born on or after 1 October 1989, and
- children whose parents separated after 1 October 1989, and
- children who had a sibling (brother or sister) born after 1 October 1989.

Under these Acts, financial support for children is called child support. You apply to the Child Support Agency for child support. For information on how to change the child support assessment, contact the Department of Human Services.

Case law

Case law refers to previous decisions, or judgments, made about family law by judicial officers. In the legal profession, these are known as precedents. These decisions become part of the family law which applies in Australia.

International law

Australia is part of an international agreement called the Hague Convention, which is an agreement about international child abduction. One of the main aims of the Hague Convention is to promptly return children wrongly removed from another convention country. Australia is a convention country but not all countries are. A complete list of convention countries can be found in Schedule 2 of the Family Law (Child Abduction Convention) Regulations 1986.

For more information on the Hague Convention, see the fact sheet Family Dispute Resolution (Hague Matters).