



Couple relationships in Australia today

Changing shared arrangements and the law

Australian Institute of Family Studies

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This snapshot considers:

- What contemporary couple relationships look like in Australia
- How attitudes towards couple relationships are changing
- How couples share family and financial responsibilities and manage assets
- Whether the law is keeping pace with these developments.

Disclaimer

The content of this paper is intended to provide general information in summary form and was up to date at the time of publication. It is not legal advice and should not be relied on as such.

Relevant resources are listed at the end of this snapshot.

Couple relationships under Australian law

In Australia today, couple relationships may be legally recognised as:

- marriages
- registered relationships
- de facto relationships.

Marriage

Marriage is defined as the 'union of 2 people to the exclusion of all others, voluntarily entered into for life'.¹

Other than in exceptional circumstances, a person must be **18 years of age** to marry.² The law also states you are not able to marry a member of your family.³

Traditionally, marriage was between 2 people of different sexes or genders but, since December 2017, 2 people of the same sex can be married and have their marriage recognised in Australia.⁴

Registered relationships

Couples can register their relationship where they are 2 adults who are:

- not married or in another registered relationship AND
- not in a de facto relationship with someone else⁵ AND
- not related by family.

Registered relationships may be between 2 adults of the same sex/gender or of the opposite sex/gender.

Couple relationships can be registered in all Australian states and territories except Western Australia and the Northern Territory.⁶

De facto relationships

De facto relationships are recognised under the *Family Law Act 1975* (Cth) where:

- the people in the relationship are not married to each other and are not 'related by family'⁷ AND
- 'having regard to all the circumstances of their relationship, they have **a relationship as a couple living together on a genuine domestic basis**'.⁸

De facto relationships may exist between 2 people of 'different sexes' as well as 2 people 'of the same sex'.⁹

The relationship type can affect how a person's relationship is recognised under the law. For example, taxation and social security rates and entitlements are determined by whether couple status is established.

If a married or de facto couple separates or divorces, laws also govern this separation (e.g. the *Family Law Act 1975* (Cth), with parenting and property arrangements).

How does the law define 'genuine domestic basis'?

For a couple relationship to be assessed as being on a 'genuine domestic basis', and deemed to be a de facto relationship, 'any or all' of the following circumstances, as outlined in the *Family Law Act 1975* (Cth), would be considered:

- the length of the relationship
- whether and how much the couple live together at the same residence
- whether a sexual relationship exists
- the degree of financial dependence or interdependence, and any arrangements of financial support, between them
- the ownership, use and purchase of their property
- the degree of mutual commitment to a shared life
- whether the relationship is or was registered under state or territory law
- the care and support of children
- the reputation and public aspects of the relationship.¹⁰

This list is not exhaustive, and other considerations may also be relevant.

The relationship does not have to be of a specific length to be recognised as a de facto relationship for the purposes of taxation¹¹ or social security in Australia¹² but relationship length (or an alternative requirement – see further below) is relevant for the application of the Family Law Act's property/financial provisions.¹³

When considering whether a de facto relationship exists in family law matters, the courts consider concepts such as 'coupledom' and 'merged lives' and apply them to the 'many and varied' relationships and factual circumstances, including 'across ages and stages of life' (Conlan, 2014; Fernando & Dolphin, 2023; Fernando & Rundle, 2021; Parkinson, 2022).

People's ordinary understanding of de facto relationships may not necessarily match how de facto relationships are defined by the law, which may include a broader range of couple relationships than people realise.

For example, a de facto relationship can exist even if one of the people in the de facto relationship is also married to someone else or in another de facto relationship with someone else.¹⁴

Marriage, registered relationships and de facto relationships: similarities and differences under the law

From a legal perspective, there *are* many similarities between married couples, de facto couples and couples in registered relationships. These include the application of a range of provisions under the *Family Law Act 1975* (Cth) when couples separate, such as:

- determining responsibilities in relation to children and their parenting arrangements
- dividing assets and financial responsibilities, including spousal maintenance.

However, there are some key differences, including:

- the requirements for the legal recognition and proof of these relationships:
 - Marriages are recognised upon registration, with the marriage certificate providing proof of the marriage.
 - Registered relationships are recognised upon finalisation of the registration process.
 - In property/financial proceedings, de facto relationships are required to prove the existence of the relationship (including establishing the 2-year duration of the relationship OR that there are children of the relationship OR that one of the people in the couple have made substantial contributions) OR the relationship is/was registered.
- time limitations that apply for the issuing of post-separation property/financial applications:
 - Married couples are required to file any property/financial applications within one year of the date their divorce was finalised.
 - De facto couples and couples in registered relationships are required to file any property/financial applications within 2 years of the date of separation.

Evidence of a de facto relationship may also be required in other situations:

- to establish next of kin status to make medical decisions for a de facto spouse
- to claim taxation and social security benefits as a de facto spouse
- to receive an inheritance when a de facto spouse dies without a will.

Trends in the formation of couple relationships

In Australia, since the 1970s, there have been some clear trends in couple formation. Existing data show:

- a [steady decline in the national marriage rate](#), from a rate of 13 marriages per 1,000 adults 50 years ago to a rate of 5.5 per 1,000 adults in 2024
- a steady [increase in couples living in de facto relationships](#), from 6% of all couples in 1986 to 12% in 2001 and 18% in 2016
- [couples increasingly living together before they marry](#)
- [people being older when they first marry](#), with the median age rising steadily since the 1970s
- [most marriages now being conducted by civil celebrants](#) compared to most marriages in the 1970s being conducted by ministers of religion.

These trends have been influenced by:

1. changing social attitudes towards marriage and de facto relationships
2. knowledge of the law relevant to couple relationships
3. the intentions of the people in couple relationships.

Changing attitudes and influences on marriage and de facto relationships

Social attitudes

Evolving social attitudes in relation to marriage and cohabitation, including to same-sex/same-gender relationships, reflect a greater acceptance of diversity and of a range of relationship types in the Australian community (Qu, 2020).

This greater acceptance of diversity and changes in religious observance and social attitudes and expectations have led to an increase in the number of de facto relationships, an increase in child rearing outside of marriage and a rise in the age that people first marry (see e.g. Evans & Gray, 2018; Hewitt & Brady, 2018; Lee & Baxter, 2022; Perelli-Harris et al., 2014; Qu, 2020).

Along with the decline in religious observance in Australia, de facto relationships have become more socially acceptable (including without the intention to marry) and some people now view marriage as an outdated institution (Lee & Baxter, 2022; Qu, 2020; Zhou, 2021).

The declining trends in marriage may be a sign of the ‘deinstitutionalisation of marriage’ (e.g. Hewitt & Brady, 2018; Lee & Baxter, 2022 citing Cherlin, 2009 and 2013). In communities where there are socially acceptable alternatives to marriage that are protected by law (e.g. de facto relationships and registered relationships), marriage may be regarded as ‘optional’, as there is reduced practical as well as social significance attached to it (Lee & Baxter, 2022).

There are also perceptions of marriage as a ‘capstone’, with couples postponing marriage until they achieve other life milestones (Lee & Baxter, 2022). This may mean that some of the social and psychological benefits of being married are diminished, while these benefits become equally associated with de facto relationships (Lee & Baxter, 2022 citing Sassler & Lichter, 2020).

However, there is growing concern all over the world about reports of forced marriage, which happens when someone is made to get married without their free and full consent. Forced marriage is a crime in Australia, although its prevalence is presently unclear.

Knowledge of the law relevant to couple relationships

The regulation of relationships through laws relating to taxation and social security and on separation and divorce, and people’s awareness of these laws, are factors that may influence couples’ choices about whether to marry or stay unmarried. Specifically, the increasing application of laws to couples in both marriages and de facto relationships may mean that couples consider that there is less reason to get married (see e.g. Lee & Baxter, 2022).

For example, Australian couples’ relationship arrangements may be influenced by the 2009 amendments to the *Family Law Act 1975* (Cth)¹⁵ that extended the property and financial provisions that apply to married couples to people in de facto relationships.¹⁶

Key aims of these amendments included:

- equal access to the Family Law Act property/financial regime for de facto as well as married couples
- national consistency in the post-separation property and financial provisions applicable to all separated de facto couples rather than varying state and territory laws
- de facto couples being able to resolve their post-separation parenting and property/financial arrangements in the one federal court system.¹⁷

People aware that their relationship may qualify as a de facto relationship, and that the Family Law Act property/financial regime applies to them, may make decisions about their relationship arrangements accordingly.

For example, since the 2009 family law reforms that extended the property and financial provisions in the Family Law Act to de facto couples, existing de facto couples have been identified in research based on HILDA data as more likely to make relationship-specific investments (Chigavasira et al., 2019). This may be because these practices are now potentially considered less risky for non-married couples (Chigavasira et al., 2019).

Relationship intentions and goals inform choice of relationship

Australian and international literature suggests that couples’ decisions about whether to marry and how to couple may be influenced by:

- the extent to which a couple intends to formalise their relationship (e.g. through marriage) (e.g. Hewitt & Vidal, 2025)
- their level of independence from each other in relation to their personal and financial arrangements (e.g. Hewitt & Vidal, 2025; Perelli-Harris et al., 2014)
- whether the couple intend to have children (e.g. Hewitt & Vidal, 2025; Ranjbar et al., 2024; Reimondos et al., 2009)
- family, community and cultural (including religious) factors, together with intersecting structural, social and economic factors (e.g. see discussion in Patton, 2025; Marmo et al., 2023; Perelli-Harris et al., 2014; Vidal, 2023).

A de facto relationship may have particular appeal for those coupling later in life or when they do not have or intend to have children (Hewitt & Vidal, 2025; Perelli-Harris et al., 2014).

Research suggests there is a range of views on de facto relationships, which can be seen as:

1. a **precursor to marriage**, with cohabitation commonly viewed as a way for couples to test their compatibility before marrying (e.g. Perelli-Harris et al., 2014)
2. a **pragmatic choice** having regard to financial, emotional and lifestyle factors, with cohabitation now normalised in Australia as well as in other countries, such as the United Kingdom, especially among lower socio-economic groups (e.g. Baxter et al., 2015; Lee & Baxter, 2022 citing Carlson et al., 2004; Perelli-Harris et al., 2014, 2019)
3. an **alternative to marriage** for those who have ideological objections to marriage as an institution or may perceive de facto relationships as providing, greater flexibility and independence and fewer legal and social constraints when compared to marriage (e.g. Lee & Baxter, 2022; Perelli-Harris et al., 2014).

The research and commentary also identify relationship arrangements known as 'Living Apart Together' (LAT) and show how non-marriage relationships involving couples living separately may nevertheless qualify as de facto relationships (See further Conlan et al., 2014; Evans, 2014; Evans et al., 2023; Hughes, 2015; Upton-Davis & Carroll, 2020; Weston & Qu, 2014).

For these and other de facto relationships, there may be a disconnect between couples' intentions to enter a relationship while maintaining financial independence and the legal and financial consequences of their relationship arrangements. (Parkinson, 2018, 2022; Upton-Davis & Carroll, 2020).

For people who are living in de facto relationships (including LAT relationships that have been determined to be de facto) this raises legal and financial implications that may not reflect their intentions, including where they have 'organised their relationship to maintain individual status' and 'to avoid the legal consequences of marriage' (Fernando & Rundle, 2021, p. 208; see also Upton-Davis & Carroll, 2020; Parkinson, 2018, 2022; Young, 2023; Fernando & Dolphin, 2023).

More specifically, it raises questions about the extent to which the law is keeping pace with the diversity of couple relationships outside of marriage, and whether it is catering for the different relationship arrangements that contemporary couples seek to make. What role does the law play in these circumstances, particularly where there is an imbalance of power in couple relationships?

Broader questions therefore arise regarding the extent to which contemporary relationship practices should shape the law and the extent to which the law should inform these practices.

Binding financial agreements

There are sound reasons relating to equity and fairness that underpin the equal application of the Family Law Act in relation to property and financial matters (as well as parenting matters) to *all* couples regardless of whether they are in married, registered or de facto relationships. However, provisions introduced in the Family Law Act in the 2000s for couples to enter Binding Financial Agreements (BFAs) may provide an alternative for couples who want to keep their assets separate.¹⁸ BFAs can be set up before commencing a relationship (as a 'pre-nup'), during a relationship or after separation.

BFAs made before entering a marriage or de facto relationship may provide parties with the autonomy to reflect their intentions and arrangements for their assets and financial responsibilities if they separate.

However, consideration still needs to be given to the impact of power imbalances between parties to these arrangements (Kaye et al, 2023).

There is also a lack of empirical data to show whether couples have heard of BFAs, and whether they are accessible or desirable for married and de facto couples (Kaye et al., 2023).

How do Australian couples manage their assets and share responsibilities?

The way that couples manage their assets and share financial and family responsibilities can depend in part on whether they are married or not and whether they intend to marry. Research relating to the management of assets and financial and family responsibilities suggests an 'emergent gap between the Australian family law and what couples do' (Fehlberg et al., 2025, p. 63).

Analyses of relationship intentions based on 18 waves of the Household, Income and Labour Dynamics in Australia (HILDA) survey data (Hewitt & Vidal, 2025) considered in the context of the broader research may suggest that:

- Couples who are living together and intend to get married may be more likely than couples who live together but do not intend to marry to have shared goals that also shape the way they negotiate or share activities and responsibilities in their relationship.
- Conversely, couples who are living in a de facto relationship without intending to marry may take a more individualistic approach to their relationship, which may also shape the way they negotiate or share activities and responsibilities.
- Couples who are married may also take more individualised approaches to their living and financial arrangements (e.g. LAT). These arrangements, however, do not affect the recognition of their marriage relationship, unless the marriage is found to have 'broken down irretrievably' and the couple have lived separately and apart for a period of no less than 12 months and there is no 'reasonable likelihood of cohabitation being resumed'.¹⁹

What couples share

The negotiating and sharing of activities and responsibilities and asset management includes:

- the arrangements couples make for earning income
- whether and to what extent income is pooled
- how expenses are shared or allocated by the couple and how income and other financial assets are disbursed
- how assets are held (i.e. in whose name assets are held and in what proportions if jointly registered)
- how decisions are made about the management of couples' living and family arrangements (including arrangements made between parties about who undertakes which caring responsibilities and household activities and how these arrangements are negotiated).

Assets and financial resources

Research suggests that married people are more likely than cohabiting couples to pool income and other financial resources (Evans & Gray, 2021; Huang et al., 2016, 2019; Perelli-Harris et al., 2019) but there has been a 'general shift' (Fehlberg, 2025, p. 70) in practices. This provides context to the 'emergent gap' between what the law says and what couples do (Fehlberg, 2025, p. 63).

- Evans and Gray's (2021) research, comparing data from 32 countries based on the International Social Survey Program, showed that de facto couples were less likely to pool incomes than married couples but that the size of the 'cohabitation gap' varied by country, with the influence of economic constraints and factors, as well as structural factors, such as taxation law.
- Analysis of HILDA survey data from Waves 2, 6, 10 and 14 shows that exclusive use of a joint bank account is the most common arrangement in Australia but arrangements where both parties hold separate bank accounts, with or without also holding a joint bank account, are increasing. Specifically, more than three-quarters of couples held a joint bank account (approx 78%) and nearly half of couples (47%) held both a joint and separate bank account; 31% had a joint account only; and 22% had separate accounts only (Huang et al., 2016. See also Huang et al., 2019).²⁰

There has been a 'general shift' in the financial practices of couples:

- from **pooling approaches**, prevalent in the 1980s and 1990s, where both married couples and de facto couples with children tended to pool and jointly manage their assets (Fehlberg, 2025, citing Glezer, 1997 and Weston, 1986)
- toward **individualised approaches** where couples hold assets and income separately and manage them independently while dividing shared expenses (Fehlberg, 2025, citing Huang et al., 2019; Huang et al., 2016)
- or to **partial pooling or mixed arrangements**, where people hold some assets separately (e.g. income) and some assets jointly (e.g. a bank account for household expenses) (Fehlberg, 2025, citing Pepin, 2019 and Huang et al., 2019; see also Huang et al., 2016).

The mixed arrangements have been linked with couples' levels of commitment to both individual and shared spending. Jointly held assets/accounts were more commonly associated with a sharing of responsibilities. Individualised approaches, such as separate accounts, were associated with a desire for autonomy and independence (Huang et al., 2016, 2019), a desire for equality, a lack of trust or commitment in the relationship or as a way to manage risk (Fehlberg, 2025, citing Elizabeth, 2001).

- Couples in longer relationships and relationships characterised by traditional gender roles were more likely to hold a joint bank account (Huang et al., 2016, 2019).
- Couples with high incomes, where the woman earned a higher income or where relationships involved re-partnered couples or second marriages were more likely to retain separate finances (Huang et al., 2016, 2019).
- For same-sex/same-gender couples, the limited research available suggests they are less likely to merge their financial assets – however, longer same-sex/same-gender couple relationships and child rearing has increased the potential for joint ownership of assets (Fehlberg et al., 2025, citing Burgoyne et al., 2011 and Klawitter, 2008).

Arrangements for financial and family responsibilities

The decline in the traditional model for the division of financial and family responsibilities – where men undertake the financial responsibilities and women undertake the family responsibilities – has had a significant role to play in the evolution of couple relationships and how financial and family responsibilities are managed by contemporary couples.

The property/financial regime in the Family Law Act was first introduced before this decline in the traditional partnership model, when finances were managed predominantly by men. With the changing division of responsibilities in couple relationships, it is important to consider the 'emergent gap' (Fehlberg, 2025) between how couples currently arrange their financial and family responsibilities and couple arrangements when the Family Law Act was introduced.

Specialised arrangements and entrenched gendered division of responsibilities

Australian and international data show that although women in couple relationships have increased their share of financial responsibilities, they continue to manage a greater proportion of the family responsibilities. However, the data do show some differences between married and de facto couples in the way men and women 'specialise' in their responsibilities (Stratton, 2023).

Recent analysis of successive waves of HILDA data (2001-19) shows that married women are the most likely to have family responsibilities typically associated with women, such as housework tasks and meal preparation (Stratton, 2023). With marriage, women shifted toward these family responsibilities, with a reduction in paid employment after marriage also shown (Stratton, 2023).

- This type of 'specialisation' was identified as:
 - highest among women who were married and had not cohabitated before marriage
 - lowest among de facto couples
 - somewhere in-between for couples who cohabitated before marrying.
- The extent to which men undertook family responsibilities such as housework tasks, but also outdoor tasks (e.g. gardening and other home maintenance) did not change significantly according to relationship type.
- Financial tasks and asset management were identified as less 'specialised' in de facto couples. This is potentially related to the higher likelihood of maintaining separate finances and intentions that are associated with remaining unmarried.
- Couples were likely to increase their 'specialisation' of financial or family responsibilities after transitioning from a de facto relationship to marriage, and as the length of the relationship increased.

The gendered division of financial and family responsibilities is also evident more generally in couple relationships:

- Data from 21 countries in the Organisation for Economic Co-operation and Development (OECD) consider that, despite an increase in the sharing of financial responsibilities with increased numbers of women in paid work, women continue to shoulder more of the unpaid work in the home, including family responsibilities such as caregiving and household tasks (Herzberg-Druker, 2025; see also Alexander, 2024; Baxter, 2021; Warren et al., 2020).

- In Australian research, a gendered distribution of unpaid family responsibilities has been found, with women undertaking more of these responsibilities than men (Baxter, 2021; Stratton, 2023; Warren et al., 2020).
- This imbalance has been identified as reinforcing gender inequality, with the strongest impact on families who do not have the resources to outsource unpaid responsibilities to enable both spouses/partners to work full-time. (See discussion in Raz-Yurovich & Tsachor-Shai, 2025 and Schneider & Hastings, 2015. Consider also Warren et al., 2020 and Baxter et al., 2023.)
- The AIFS Families in Australia Study found that it was common for women partners to ‘always’ or ‘usually’ do the household work when the man in the relationship worked full-time and the woman worked part-time or not at all but this trend was reversed in couples where the man was not working (Baxter, 2021).

The persistent gendered division of labour, despite women’s increased participation in the paid workforce, is reinforced in the application of family law post-separation (Alexander, 2024).

Research based on the AIFS Longitudinal Study of Australian Children (Cano & Gracia, 2022) illustrates that the time spent by parents together caring for children pre-separation was reallocated to mothers post-separation, while father-only time with children was low both before and after separation.

However, data relevant to the changes in the way couples manage their financial responsibilities – with a move ‘away from joint towards individualised approaches’ – can create ‘inequality and economic disadvantage for non-primary earners (usually mothers)’ when this individualised approach prevails after women have reduced or ceased their paid employment to care for children (Fehlberg et al., 2025, p. 63).

These situations raise questions about whether the law is equipped to respond to couples’ contemporary arrangements.

Is the law keeping pace?

There is a symbiotic relationship between the evolution of family law and the way that people make couple relationship choices – in that, one can influence the other.

The extension of the property and financial regime to de facto as well as married couples provides an example of this relationship between law and practice. It was reflective of the growing number of couples in Australia choosing not to get married and is now likely a factor in couples choosing not to get married (see e.g. Lee & Baxter, 2022).

Closer consideration of the way that Australian couples manage their assets and their financial and family responsibilities in practice shows an ‘emergent gap’ between these arrangements and the law (Fehlberg et al., 2025, p. 63). As Professor Belinda Fehlberg has observed, the application of the property and financial regime in the Family Law Act to the “‘standard’ married or de facto couple with modest assets, children and/or (a relationship) of medium to long duration’ is shaped by what has been ‘loosely referred to as a “partnership” ideal’ that ‘involves collective effort and sharing, and justifies more generous outcomes for mothers due to their usually greater caregiving responsibilities and lesser income’ (p. 63; see also Shi & Zong, 2019).

This contrasts with the way that many couples now choose to manage their assets and to organise their contributions to financial and family responsibilities, taking more individualised and autonomous approaches to these arrangements (Fehlberg, 2025; Parkinson, 2018). With the trend towards individualised approaches, the ‘partnership ideal’ may be less reflective of couples’ arrangements in practice.

Questions about the extent to which contemporary relationship intentions and practices shape and are shaped by the law are also accompanied by questions about the extent to which these contemporary relationship intentions and practices *should* shape the law.

Does the law need to change to better reflect expectations and arrangements in contemporary relationships?

In addition to the family law property/financial regime and evolving approaches in couple relationships to managing assets and financial and family responsibilities, as described above, there is the disconnect between the law applicable in de facto relationships and those couples who are either:

- unaware of the legal implications of their relationship

- seeking to avoid formalising their relationship
- seeking to avoid the legal consequences of legally recognised couple relationships (Upton-Davis & Carroll, 2020; Parkinson, 2022; Young, 2023; Fernando & Rundle, 2021).

To what extent should the law applicable on separation reflect both the expectations and arrangements that Australian couples have made when their relationships were intact?

How do we balance the protective role of the law with the autonomy of couples?

Research based on longitudinal datasets such as AIFS Longitudinal Study of Separated Families, HILDA, the Longitudinal Study of Women's Health and the Australian Census Longitudinal Dataset identifies higher rates of financial stress and disadvantage among women post-separation both in Australia and internationally.²¹

In this context, how should we balance the law's protective role and the autonomy that parties have to make their own relationship arrangements when together or separated? Should 'just and equitable' property/financial arrangements/orders apply when individualised approaches to relationship arrangements may otherwise contribute to and exacerbate financial stress and disadvantage for women? As relationship arrangements evolve, would the application of the 'partnership ideal' contribute to financial stress and disadvantage among women undertaking the primary caring and income-earning roles?

What role should the law play in addressing post-separation disadvantage?

This raises critical questions about what role the law should play in addressing disadvantage for women and children, especially where there is unequal bargaining power when negotiating relationship status and arrangements for the management of assets and responsibilities.

To understand whether more or less intervention is needed to address this disadvantage, further data are needed on:

- how and why couples in Australia make their financial and family arrangements (including whether they enter BFAs)
- the dynamics at play when these arrangements are made
- the context and dynamics when post-separation arrangements are made and the factors informing these outcomes. (See further Fehlberg, 2025.)

To understand the role that the law *plays* and *should play* in informing couples financial and family arrangements, it is critical to examine:

1. the considerations that inform couples' pre- and post-separation relationship arrangements (including the division of financial and family responsibilities and the extent to which couples take an 'individualised' or 'pooled' approach to their asset management) and to their household and caregiving responsibilities
AND
2. how and why these decisions are made. (See further Fehlberg, 2025.)

For example, it is important for this research to examine both how these relationship arrangements are viewed by the law when family law courts make decisions about post-separation arrangements *and* to understand the decision making of the vast majority of families who make their post separation arrangements 'in the shadow of the law' when they do not access the family law system.

In this context, it is important to understand the role that the Family Law Act plays in these decision-making processes. Successive family law amendments are relevant here, not only the impact of the 2009 amendments but also the most recent family law reforms (2024–25). These included, for example, clarifying the process for determining post-separation property/financial arrangements, including the consideration to be given to the effect of family violence on a party's ability to make financial or non-financial contributions and to contribute to the welfare of the family.²²

Resources

- Family Relationships Advice Line for family and relationship issues: www.familyrelationships.gov.au/talk-someone/advice-line. Also provides a map index for finding local help: www.familyrelationships.gov.au/find-local-help
- Family advocacy & support services for those experiencing family violence: familyviolencelaw.gov.au/fass
- Aboriginal Family Violence and Prevention Legal Services: fnaafv.org.au/fvpls-services
- Legal Aid in each state and territory
 - Legal Aid ACT: www.legalaidact.org.au
 - Legal Aid NSW: www.legalaid.nsw.gov.au
 - Legal Aid Queensland: www.legalaid.qld.gov.au/Home
 - Legal Services Commission SA: lsc.sa.gov.au/legalaid
 - Legal Aid NT: www.legalaid.nt.gov.au
 - Legal Aid WA: www.legalaid.wa.gov.au
 - Tasmania Legal Aid: www.legalaid.tas.gov.au
 - Victoria Legal Aid: www.legalaid.vic.gov.au
- Find community legal centres in each state and territory
 - Community Legal Centres ACT: www.actlawsociety.asn.au/for-the-public/legal-help/community-legal-centres
 - Community Legal Centres NSW: www.clcnsw.org.au/help
 - Community Legal Centres Qld: www.clcq.org.au/legal-help/find-a-clc
 - Community Legal Centres SA: www.clcsa.org.au/community-legal-centres
 - Community Legal Centres Tasmania: www.clctas.org.au
 - Community Legal Centres WA: communitylegalwa.org.au/need-legal-help
 - Community Legal Centres Vic: www.fclc.org.au/find_a_community_legal_centre
 - Community Legal Centres NT: lawsocietynt.asn.au/index.php/other-legal-links

Endnotes

1 s 5 *Marriage Act 1961* (Cth)

2 s 11 *Marriage Act 1961* (Cth). Where a person is aged 16 or 17 years, they may apply to a Judge or magistrate for an order authorising the marriage where, following an 'inquiry into the relevant facts and circumstances', the Judge or magistrate may make the order to authorise the marriage where they are satisfied that: (1) the applicant has attained the age of 16 and (2) 'the circumstances of the case are so exceptional and unusual as to justify the making of the order': s 12(1) and (2) *Marriage Act 1961* (Cth).

3 Section 23B *Marriage Act 1961* (Cth) indicates that 'marriages of parties within a prohibited relationship are marriages: (a) between a person and an ancestor or descendant of the person; or (b) between 2 siblings (whether of the whole blood or the halfblood)'. This includes relationships of this nature through adoption.

4 s 2 and schedules 1 and 3 of the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth)

5 Note, however, s 5 of the *Civil Partnerships Act 2011* (Qld).

6 *Civil Partnerships Act 2011* (Qld); *Domestic Relationships Act 1994* (ACT); *Relationships Act 2003* (Tas); *Relationships Act 2008* (Vic); *Relationship Register Act 2010* (NSW); *Relationships Register Act 2016* (SA)

7 s 4AA(1). Note that s 4AA(6) indicates that 2 people are related by family if one is the child (including an adopted child) of the other or a descendant of the other (even if the relationship between them is through an adoptive parent) or if they have a parent in common (who may be an adoptive parent).

8 s 4AA(1) *Family Law Act 1975* (Cth)

9 s 4AA(5)(a) *Family Law Act 1975* (Cth)

10 s 4AA(2) *Family Law Act 1975* (Cth)

11 s 995-1(1) *Income Tax Assessment Act 1997* (Cth)

12 s 4 *Social Security Act 1991* (Cth)

13 s 90SB *Family Law Act 1975* (Cth)

14 s 4AA(5)(b) *Family Law Act 1975* (Cth)

15 Note that the *Family Court Act 1997* (WA) applies in Western Australia and has been successively amended (including in 2002, 2020 and 2022) to provide a de facto property/financial regime that is similar to the regime for married people.

16 The Family Law Act provides that a declaration in relation to a de facto relationship can be made where the period/s of a de facto relationship totals at least 2 years in duration or where there is a child of the relationship or where a party has made substantial contributions of the kind identified in s 90SM(4) and there would be a serious injustice if a declaration was not made, or that the relationship is or was registered under a prescribed law of a state or territory: s 90SB.

17 See [Family Law Amendment \(De Facto Financial Matters and Other Measures\) Bill 2008 - Parliament of Australia](#), Explanatory Memoranda.

18 Part VIIIA and Part VIIIAB *Family Law Act 1975* (Cth)

19 s 48 *Family Law Act 1975* (Cth)

20 Note: data from HILDA survey Wave 2 (2002), Wave 6 (2006), Wave 10 (2010) and Wave 14 (2014) were used for Huang and colleagues' analyses.

21 De Vaus et al. (2017) and, more recently, Lichtenstein et al. (2022), Barbara Broadway et al. (2022) and Qu & Weston (2021).

22 *Family Law Amendment Act 2024* (Cth) amendments to the *Family Law Act 1975* (Cth) - see s 75(2), s 79(4), s 79(5) and s 90SF(3), s 90(SM(4) and s 90SM(5).

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