

Property settlement and family violence: major changes from June 2025

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When separating from a partner, dividing property can often be a stressful part of the process. This is only more overwhelming for people who've experienced family violence. Historically, the existence of family violence in a relationship wasn't seen as clearly or directly relevant to property settlement negotiations.

New laws relating to property settlement and family violence came into effect on **10 June 2025**. The intention is to improve how courts deal with property settlements (financial matters), particularly for those involving allegations of family violence.

The amendments to the law are intended to recognise victims of family violence in the context of contributions made by them in financial matters. Essentially, was the contribution of the victim made more significant due to family violence?

What's changing in the Family Law Act?

From **June 2025**, the *Family Law Act 1975* (Cth) is intended to recognise victims of family violence for both parenting and property matters. These changes apply to both married and de facto relationships (save for in Western Australia) and to both new applications before the Court and those matters which are already within the Court system.

In Western Australia, de facto couples will need to wait until the amendments are adopted and the laws are passed for the *Family Court Act 1997* for de facto matters.

Key updates include:

- clearer definitions of family violence and economic abuse;

a defined pathway for the courts to consider the effects of violence when determining property division;

broader consideration of how family violence has impacted a person's current and future circumstances.

Recognising economic and financial abuse

For the first time, economic and financial abuse will be clearly and separately defined under the law for financial matters. This includes behaviours that limit a person's control over their own money or ability to work. Examples include:

Preventing someone from accessing their bank accounts or superannuation;

Forcing a partner to take on debt or withholding money from them for essential expenses;

Restricting capacity to gain meaningful employment

The intention of the amendments is to recognise how such actions have a lasting effect on someone's autonomy, capacity to gain meaningful employment or ability to earn monies.

Family violence and contributions to the relationship

One of the most significant changes relates to how courts assess each party's contributions when deciding who should receive what in any property settlement.

Under the new rules, courts must consider whether family violence made it harder for one party to contribute financially, emotionally or otherwise. For example, if family violence prevented a person from working, studying, or maintaining the home, this could now be taken into account and lead to an adjustment in their favour.

It has been said that the amendments are aimed at codifying the approach the Court has adopted in some cases. For example, in *Kennon & Kennon*, the court recognised that if one partner used violence against the other during the relationship, and that violence made it meaningfully harder for the affected person to contribute (whether emotionally, financially or practically), that impact should be considered when dividing property.

Considering current and future needs

Family law already requires courts to look at each person's future needs when dividing property. The June 2025 amendments codify what the Court must now consider, including:

Family violence

The long-term emotional, psychological or financial impact of abuse;

Whether the person is likely to face barriers to employment, housing or financial stability due to that abuse.

Financial wastage

Where one party has caused significant losses, such as through gambling or reckless spending, courts can now factor this into their decisions.

Debts and liabilities

If one partner has taken on debt, particularly without the other's knowledge or consent, courts may examine how that affects future financial outcomes.

Housing needs for children

Where children are involved, courts can give weight to the need for stable housing, which may influence how property is divided.

Will family violence automatically change my property settlement?

No (not automatically). Courts will consider family violence alongside all the factors as set out in the Act, such as contributions, future needs, who has primary care of the children.

The amendments provide for the Family Court to mandatorily consider family violence when determining a property settlement. This should not be interpreted as a mandatory adjustment to any property settlement. Rather, it is a required consideration.

The court still needs to be satisfied that the violence had a real and significant impact. For example, affecting the victim-survivor's health, income, or contributions to the relationship.

What if there are criminal charges or intervention orders?

It's important to understand that family law courts cannot deal with criminal charges or make intervention/restraining orders, save for making exemptions for practical matters relating to children or mediation.

However, evidence from those proceedings may still be relevant in a property settlement, especially where it shows the impact of family violence.

Impact of the June 2025 family law changes for family violence

victim survivors

For years, survivors of family violence have faced difficulties proving how abuse (especially financial or emotional abuse) affected their lives and futures. These changes aim to:

- make the law clearer and more consistent;
- recognise that abuse can have lasting financial effects in addition to the significant physical and emotional impacts;
- provide greater protection and fairness in property settlements.

Get help from a family lawyer

If you’re separating and family violence was part of your relationship, it’s important to get legal advice. These changes may make a difference in how your property settlement is negotiated or decided by the court.

A family lawyer can help you understand:

- whether the new laws apply to your situation;
- what evidence may support your case;
- how to protect your rights and secure a fair outcome.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.