

Website - <https://www.gotocourt.com.au/videos/family-law/divorce-in-australia-know-your-rights/>

Article - <https://www.gotocourt.com.au/family-law/divorce/>

DIVORCE IN AUSTRALIA



Divorce in Australia follows the no fault principal, which was established by the Family Law Act 1975. This means that the court does not need to know the reason for the divorce, just that the marriage has broken down irretrievably. When can I apply for a divorce in Australia? To apply for divorce in Australia, you and your spouse must have separated at least 12 months ago. In addition, one of you must be an Australian citizen, or must regard Australia as their home and be living in Australia. If you have been married for less than two years you will also have to participate in counselling to discuss the possibility of reconciliation, prior to making the divorce application.

Separation Event

PROPERTY

Division should commence immediately

Pre-Action Procedures

Intention to claim and Disclosure

File Application

First Day in Court

Conciliation Conference

Pre-Trial Conference

Final Hearing

MARRIAGE

Minimum of 12 Months and 1 Day must pass before proceeding

File Divorce Application

Application Served to Respondent

Respondent files response within 28 days
[42 days if overseas]

Court Hearing
Decree Nisi

28 Days

Decree Absolute
****Marriage is Over****

6-8 weeks on average

CHILDREN

Living and communication arrangement discussions should commence immediately

Dispute Resolution

File Application

First Day in Court

Simple matters *may* be finalised without proceeding further

Possible Mediation

Child Conference and/or Family Report

Interim Hearing

Final Hearing

Mediation may be ordered at any time