

Divorce in Australia



Video

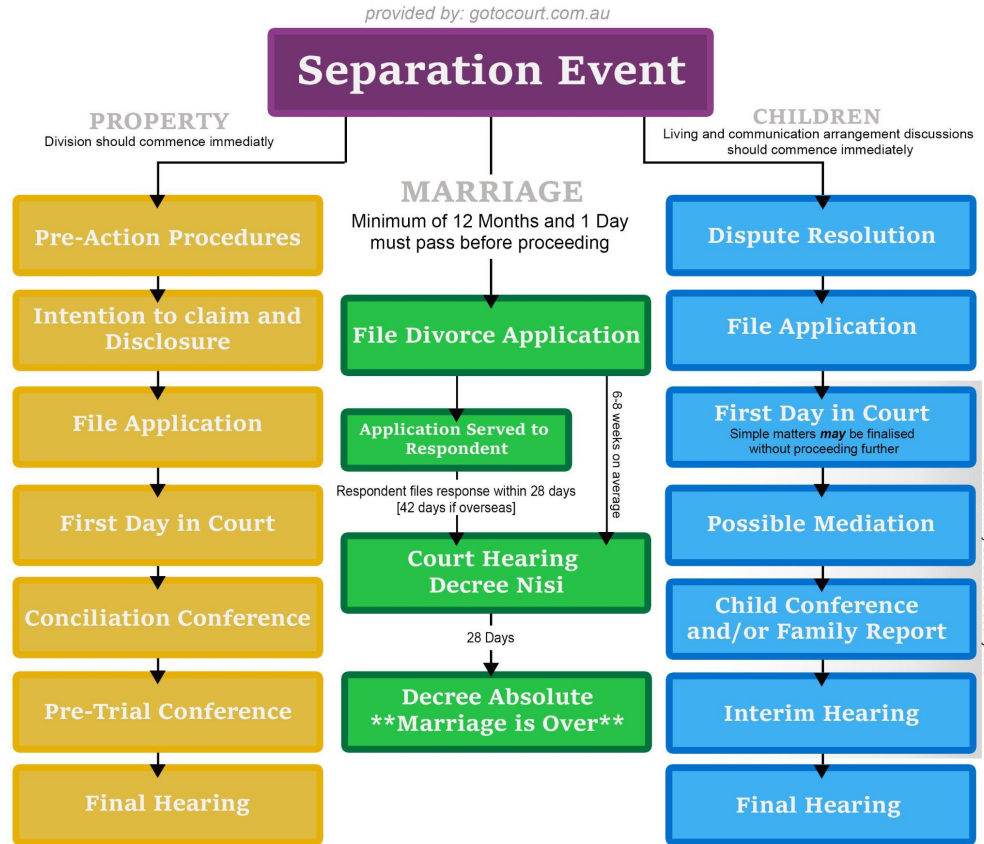
 <https://youtu.be/2dCyQKLTvk0>

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

Article

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

Divorce Process



Divorce Resources

Divorce Website Links

- [What is Our Date of Separation?](#)
- [Annulment of Marriage](#)
- [No Fault Divorce](#)
- [Counselling And Reconciliation in Family Law](#)
- [Reproductive Technology and Separation](#)
- [Same Sex Marriage and Family Law](#)
- [Separation and Short Relationships](#)
- [Separation When the Relationship Breaks Down](#)
- [Time Limits in Family Law Matters](#)

Divorce

DIVORCE
In Australia



Divorce in Australia follows the **no-fault** principle, 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.

Divorce FAQs

When can I apply for a divorce in Australia?

To apply for divorce in Australia, a person and their spouse must have been separated for at least 12 months. One of them must be an Australian citizen, or be living in Australia and regard Australia as their home.

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 a divorce application.

Divorce FAQs

How do I apply for a divorce in Australia?

You can apply for a divorce in Australia by filing an application online, or by completing the necessary forms and posting them to a Family Law Registry for filing.

You will need to send the following:

- An Application for Divorce form which has been signed and sworn or affirmed by a lawyer, Justice of the Peace, or an accepted witness. You must include the original document and two photocopies;
- A photocopy of your marriage certificate. This does not need to be sworn, affirmed or certified; and
- All other documents you think might be relevant to your application, such as a certificate of your citizenship or a photocopy of your visa. You should include three copies of each document in your application.

Divorce FAQs

Can I apply for a divorce as the sole applicant?

If the divorce application is made by you alone as the sole applicant, you will have to serve a copy of the application on your former spouse. You, the applicant, will have to provide evidence to the court that the application has been served and received by the other party. This is normally done by completing and filing an Affidavit of Service with the court.

The other party may then file a Response to Divorce if they disagree with any of the information provided on the application or if they oppose the divorce. There are very few opportunities to oppose a divorce unless the parties have not been separated for 12 months or if the court does not have jurisdiction.

If the other party does not oppose the divorce, then they do not have to attend the hearing. If there are no children (under 18) and you have filed the **Affidavit** of Service proving that the application has been served on the other side, you will also not have to attend the hearing.

Divorce FAQs

How long until the divorce is granted?

The divorce is normally granted one month and one day after the hearing.

If you are planning on remarrying, you should wait until the divorce has been granted before making preparations. Not all divorces are finalised at the first hearing.

In some situations, the court will require further **proof of the date of separation** or that adequate arrangements have been made for any **children** under the age of 18.

Divorce FAQs

Will the divorce resolve my children and property issues too?

A divorce does not deal with issues about property or make formal **parenting orders**. These must be dealt with separately to the divorce application.

Decisions about **property** and **custody issues** can be done any time after **separation** and up to 12 months after the divorce has been granted.

Divorce Statistics



42.8

Median divorce age
in 2020

● Female

● Male

45.6



Median divorce age of Australian males and females in 2020.

- Females recorded an average median divorce age of 42.8 years old in 2020.
- Males recorded an average median divorce age of 45.6 years old in 2020.

Divorce Statistics



Crude divorce rates 2000 - 2020



● 2020

the crude divorce rate remained the same as 2019 at 1.9 divorces per 1,000 people.

the divorce rate has decreased to 1.9 from 2.6 divorces granted per 1,000 people in 2000.

49,510 divorces were granted in Australia, an increase of 1.9% from 2019 (48,582).

<https://www.abs.gov.au/statistics/people/people-and-communities/marriages-and-divorces-australia/latest-release#divorces>

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