

Property is not automatically divided 50/50 at the end of a relationship. The Judge making decisions about your property follows a pathway set out in the Family Law Act 1975 to make decisions. The Judge considers:

1

Whether the court should **change the current ownership** of the property.

2

Gets a clear picture of your total financial position by looking at **what you both own** (in separate names as well as joint names), **how much it is worth** and **what debts** you have (in separate names as well as joint names).

3

Considers what **contributions** each person has made:

- what you **brought to the relationship**, what you did **during the relationship** and what you contributed **after separation**.
- contributions can be **financial contributions** made **directly** towards an asset (e.g. paying the mortgage) or made **indirectly** towards an asset (e.g. paying for bills so the other person could pay the mortgage).
- contributions can be **non-financial** e.g. painting the house.
- contributions can be to the **welfare of the family** e.g. to parenting and homemaking.

The Judge allocates a percentage to each person at this time.

4

Considers what each person **needs for the future**. Including the **effect of any court order on the person's income earning capacity** and:

- the person's **age and health**
- the persons **financial resources**
- if the person has **care of a child**
- the duration of the **relationship** and the extent to which it has **affected the earning capacity of a person**.

The Judge can change the first percentage based on this.

5

Whether what is proposed is **fair and equitable**

If you are **divorced**, you have **one year to apply to the court** for a Judge to make a decision about your property.

If you have ended a **de facto relationship**, you have **two years from the date you separated** to apply to the court for a decision about your property.

Time limits