Family Law Act 1975 (Cth) Definition of Family

Although an exhaustive definition of what is meant by the term ‘family’ is *NOT* included in the Act, the Act does make reference to family in section 43 in the following terms:

43 Principles to be applied by courts

(1) The Family Court shall, in the exercise of its jurisdiction under this Act, and any other court exercising jurisdiction under this Act shall, in the exercise of that jurisdiction, have regard to:

(a) the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;

(b) the need to give the widest possible protection and assistance **to the family** *as the natural and fundamental group unit of society*, particularly while it is responsible for the care and education of dependent children;

This “natural and fundamental group unit of society is as close as the Act gets to defining what is, and what is not, a family.

Of further note is the focus of the Act to apportion and encourage the responsibility and “care and education of dependent children” and the aim to protect the “institution of marriage” as defined.