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Divorce and separation



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The instability of marriages and other relationships has been one of the hallmarks of the last quarter of the 20th century. The ending of marriages and other relationships can result in considerable distress for the people involved. Emotional and economic costs to partners and the consequences for children, both in the short and long term, are matters for widespread concern.

The increased divorce rates have been facilitated by law reform, most notably the 1975 Family Law Act which introduced many changes including no fault divorce. However, the rising divorce rate was not simply a function of law reform. The law was altered to reflect the changing realities and the changing social and cultural contexts in which people married.

It would be a mistake to focus exclusively on relationships that end in divorce. Cohabitation has become an increasingly important part of the process of partnering (see Chapter 10), and thus any reasonable understanding of how contemporary relationships end must include an examination of the ways in which cohabiting relationships end. Unfortunately, we only have limited information on the ending of cohabiting relationships. While divorces are registered, there is no central place in which the ending of cohabiting relationships is recorded.

How common is divorce?

The level of divorce can be described in three different ways:

- The *divorce rate* in any given year – that is, the number of divorces per 1000 people.
- The *percentage* of the population that are *currently divorced*.
- The *risk* of divorce over a lifetime – that is, the probability that a person who marries in a given year will eventually divorce.

What is the current divorce rate?

In 2001, 55,300 divorces were granted. This means that there were 110,600 newly divorced adults in 2001. The *number* of divorces in 2001 was the highest since the peak year of 1976 when the introduction of the Family Law Act was followed by 63,230 divorces. The divorce figure in 2001 represents a general increase in the number of divorces each year. One reason that the number of divorces grows is that, despite the declining rate of marriage,

there are more people who are married and therefore at risk of divorce. For this reason, increases in the number of divorces do not give a good indication of the risk of divorce.

Divorce *rates* however adjust for the size of the pool of “at risk” people. Divorce rates can be calculated in two ways: the number of divorces per 1000 members of the population (the crude divorce rate), or the number of divorces per 1000 women in the *married* female population. The crude divorce rate is the easier of the two to calculate but is less useful in that it does not take into account whether people are *at risk* of divorce. The more useful divorce rates are those that are expressed as divorces per 1000 women in the married population. In 2000¹, this divorce rate was 12. This means that for every 1000 married women 12 divorces were granted in 2000.

What is the risk of divorce?

The divorce rate of 12 divorces per 1000 married women simply describes the number of divorces *in a given year*. If the same 1000 people were tracked over many years, the *cumulative* number of divorces in that group would, of course, be far higher than that recorded in any particular year.

What has the risk been until now?

One way of examining the risk of divorce is to examine *current* levels of divorce. Rather than projecting into the future to see what risks future age cohorts face, this approach works backwards and asks “What proportion of marriages from a particular year have already ended in divorce?” (ABS 2000d).

Table 15.1 shows that, of marriages that began in 1975-76, 31.9 per cent had actually ended in divorce 24 years later. For more recent marriages we can only look at the percentages that have ended in divorce over a shorter time span. Table 15.1 shows that there has been a gradual increase in the actual risk of divorce for more recent marriages. Of marriages that began in 1975-76, 17.1 per cent had ended in divorce within 10 years. Of marriages that began in 1989-90, 20.4 per cent had ended in divorce within 10 years.

What can we expect in the future?

An alternative way of thinking about the risk of divorce is to estimate the future risk of divorce of those who are currently marrying. These estimates of future risk vary, depending on the method of estimation. Using nuptiality tables² (ABS 2001e) it

is estimated that if babies born in 2000 experience 1997-99 levels of marriage, widowhood, divorce, remarriage and mortality) then 32 per cent of the marriages of these babies who marry will end up in divorce.

An alternative method of estimating the future divorce risk – the total divorce rate method – uses cumulated rates of divorce by duration of marriage or rates for all persons. Using this method and applying 1999 divorce rates it is projected that:

- 9 per cent of all 1999 marriages will end in divorce within 5 years.
- 20 per cent of all 1999 marriages will end in divorce within 10 years.
- 35 per cent of all 1999 marriages will end in divorce within 20 years.
- 42 per cent of all 1999 marriages will end in divorce within 30 years.
- 46 per cent of all 1999 marriages will end in divorce eventually (ABS 2000h).

How many people are currently divorced?

While many people divorce, many also remarry (p. 178). This means that at any point in time the percentage of the population who are currently divorced will be quite different to the percentage who have at some point been divorced. The percentage of the population who are currently divorced will underestimate the proportion of the population whose lives are directly affected by divorce.

In 2001, 7.4 per cent (1,107,005 people) of the population aged 15 and over were currently divorced. This represents an increase from 1976 when just over 2 per cent of this population were divorced.

Is the divorce rate still increasing?

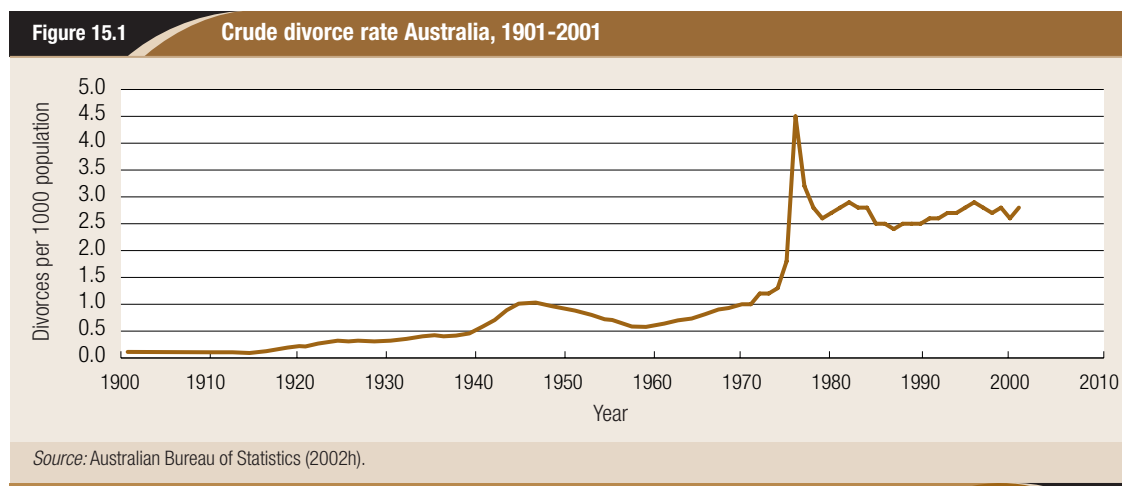
Regardless of the method of calculating the levels of divorce the evidence shows a gradually increasing level of divorce.

Table 15.1 Per cent of marriages ending in divorce after specified duration of marriage by year of marriage

Year of marriage	Duration of marriage				
	5 %	10 %	15 %	20 %	24 %
1975-76	6.9	17.1	23.2	28.3	31.9
1980-81	7.7	17.7	25.2		
1985-86	7.5	18.1			
1986-87	7.6	18.7			
1987-88	7.9	19.0			
1988-89	8.6	19.8			
1989-90	8.6	20.4			
1990-91	8.3				
1994-95	8.8				

Source: Australian Bureau of Statistics (2000d).

Figure 15.1 shows the long term trends in the crude divorce rate. It demonstrates the now familiar picture of very low divorce rates until the end of World War I (1918), a slight increase during the 1920s, another slight increase in the 1930s during the Depression, a sharp increase following World War II (1945), a decline in the 1950s, and a rise from the mid 1960s until 1976 when the Family Law Act of 1975 simplified divorce procedures. In 1976 there was a dramatic rise in divorces and the crude divorce rate increased to 4.5 – a rise that partly reflected the formalisation of many marriages that had ended in separation some years earlier. However, after this peak, the divorce rate declined again but remained much higher than it had before the 1975 Act. By the early 1980s the crude divorce rate had dropped to a level of about 2.8. Since then the rate has fluctuated somewhat. From the mid 1980s until the late 1990s the crude divorce rate increased but since then has trended slightly downwards but has been subject to annual fluctuations. Despite these fluctuations we can say that since peaking at 4.5 in 1976, the crude divorce



rate appears to have settled to between 2.5 to 2.8 divorces per 1000 population since 1996.

However, there have been substantial changes both to the population profile and to marriage patterns. This means that crude divorce rates may be a poor measure of the rate of marriage breakdown. As the proportion of the population that is not married increases (p. 174), the number of people per 1000 who could possibly divorce declines. This can mask any increase in the proportion of marriages that end in divorce. Furthermore, the divorce rate cannot identify relationship breakdowns in the increasing number of cohabiting relationships. If those who are cohabiting had formalised their marriage, the divorce rate may be higher than it currently is.

Figure 15.2 reports the divorce rates of married men³ in selected years from 1976-2000. These figures indicate a dip in the divorce rate in the second half of the 1980s and then a gradual increase in the rate from 1990 to 1999 with a dip in 2000. It remains to be seen whether the 2000 dip is the beginning of a decline in the divorce rate or just a short term fluctuation.

The percentage of the population that is divorced at a given point in time has increased at a sharper rate than the divorce rate (Figure 15.3). In 1976

about 2 per cent of males aged 15 or over and 2.5 per cent of comparable females were divorced. These percentages have increased by more than 300 per cent between 1976 and 2001. By 2001, 6.5 per cent of men over 15 were divorced and 8.1 per cent of women were divorced.

Throughout this period a greater proportion of women than men were divorced at any given point in time. It is not clear to what extent this is due to a greater reluctance by divorced women to remarry and to what extent it is due to the greater difficulty divorced women have in finding a partner willing to marry. Since divorced women have poorer economic prospects than divorced men and often have responsibility for the children of a previous marriage, they may find it more difficult to find a suitable new marriage partner.

Is marriage getting riskier?

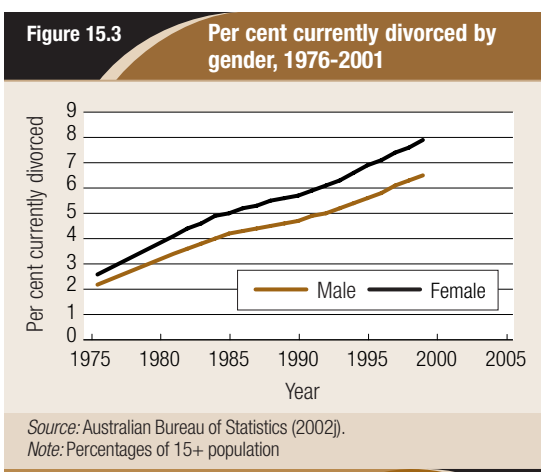
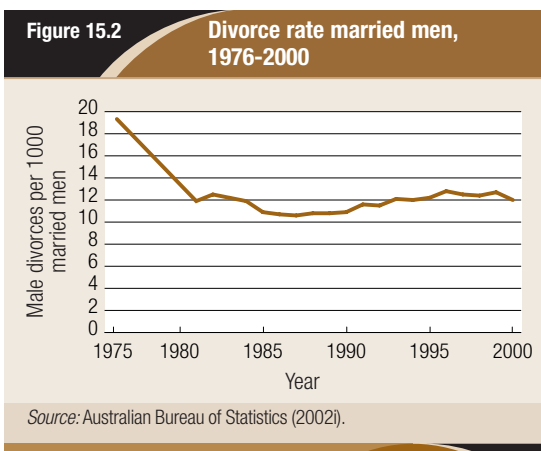
The likelihood of divorcing has increased since 1979. Figure 15.4 shows the predicted likelihood of divorce after various durations of marriage based on divorce rates in the given years. Between 1979-99, the likelihood of divorce has increased from:

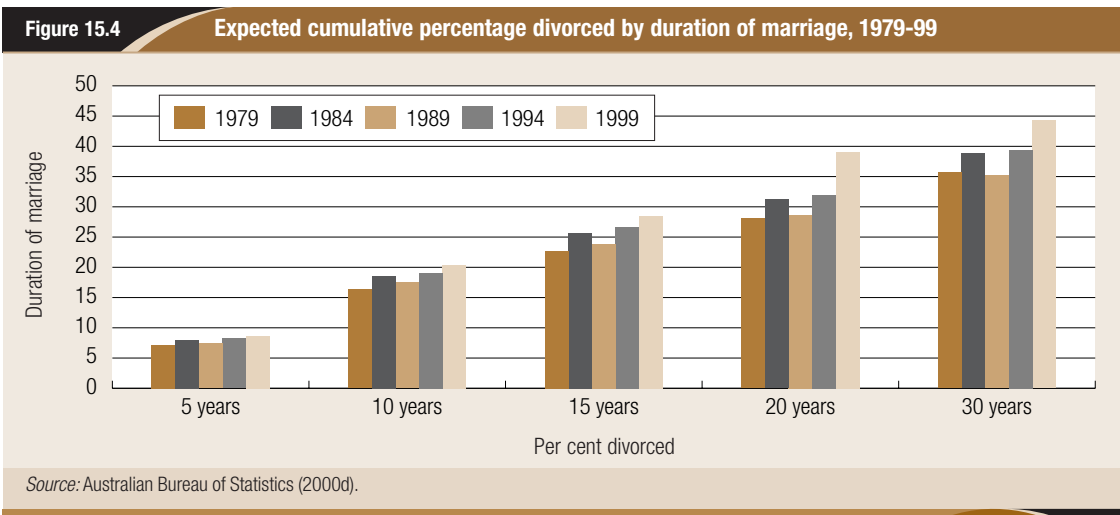
- 7.2 per cent after 5 years in 1979 to 8.6 per cent based on 1999 figures.
- 16.3 per cent after 10 years in 1979 to 20.4 per cent in 1999.
- 22.7 per cent after 15 years in 1979 to 28.5 per cent in 1999.
- 28.1 per cent after 20 years in 1979 to 39.1 per cent in 1999.
- 35.7 per cent after 30 years in 1979 to 44.3 per cent in 1999.

How do Australian divorce rates compare internationally?

Due to the type of data that are available, divorce rates between countries are most readily compared using crude divorce rates. Table 15.2 lists the crude divorce rates for a range of countries. The countries are ranked from those with the highest to lowest crude divorce rates. With the exception of Sweden, the English speaking countries have the highest divorce rates. Among the countries listed in Table 15.2, Australia has a relatively high crude divorce rate only exceeded by that of the USA and the United Kingdom.

The countries with the lowest divorce rates are also those that are among the least secularised. Low divorce rates are most evident in countries with substantial Islamic populations (for example, Indonesia, Turkey and Yugoslavia), substantial Catholic populations (for example, Italy, Poland and Chile) or Orthodox denominations (Yugoslavia and Greece).





Divorce rates are higher in the more developed Asian nations (for example, South Korea, Japan, Hong Kong, and Singapore) than in the developing Asian nations such as Thailand and Indonesia.

Is early marriage especially risky?

The age at which people marry is linked to their risk of divorce. The younger a couple is when they marry, the greater their risk of divorce. Figures 15.5 and 15.6 show the expected rates of divorce for men and women according to the age at which they married. The graphs report estimates for the percentages likely to have divorced after 5, 10, 15, 20, 25 and 30 years of marriage. These estimates are based on 1999 divorce rates and assume that these same rates will hold into the future. These figures address a number of important questions relating to the age at which men and women marry.

Do teenage marriages last?

Both men and women who marry as teenagers are at the greatest risk of divorce. While the risk is higher for teenage men who marry than for teenage women, the likelihood of divorce is high for both men and women. Teenage brides and grooms are most likely to divorce during the 5 to 9 year period following marriage. It is estimated that:

- A third of teenage grooms and a quarter (23.9 per cent) of teenage brides will be divorced within five years of marriage.
- After ten years of marriage almost three quarters (72.7 per cent) of the teenage grooms and over half (54.4 per cent) of the teenage brides will be divorced.
- By 20 years of marriage all the teenage grooms will have divorced while 80 per cent of teenage brides will probably have divorced.

There is evidence that teen marriage is increasingly vulnerable to divorce. For example, of teenage brides who married in 1975-76, about 30 per cent

were divorced ten years later. However, of teenage brides who married about fifteen years later in 1989-90, about 52 per cent were divorced ten years later. Similarly, among teenage grooms in 1975-76 about 43 per cent were divorced within ten years. Of those who married in 1989-90, over 65 per cent were divorced within ten years (ABS 2000h).

How risky is it to marry in the early twenties?

Men and women who marry in their early twenties (aged 20-24) are the second most “at risk” age group. However, the risk of divorce for brides and grooms who marry in their early twenties is far lower than for teenagers who marry. For example, while a third of teenage grooms are likely to

Table 15.2 Crude divorce rates in selected countries

Country	Year	Crude rate
United States of America	1998	4.2
United Kingdom	1996	2.9
Australia	2001	2.8
New Zealand	1998	2.7
Sweden	1997	2.4
Canada	1997	2.3
Germany	1997	2.3
South Korea	1998	2.1
France	1997	2.0
Hong Kong	1999	2.0
Netherlands	1999	2.0
Japan	1998	1.9
Singapore	1999	1.3
Poland	1999	1.1
Greece	1998	0.9
Thailand	1995	0.9
Indonesia	1986	0.8
Yugoslavia	1997	0.8
Italy	1995	0.5
Turkey	1998	0.5
Chile	1998	0.4

Source: Australian Bureau of Statistics (2002d).

divorce within five years of marriage, only 12.2 per cent of men who marry in their early twenties are likely to divorce within five years. For each duration of marriage, those who marry in their early twenties are far less likely than the teenage brides and grooms to divorce. This applies equally to men and women. Nevertheless, these early twenties brides and grooms are at considerable risk of divorce.

- Of those who marry in their early twenties, more than a quarter (28.6 per cent) of men and a quarter (24.8 per cent) of women are likely to divorce within ten years of marriage.
- Within 20 years of marriage, 45.2 per cent of men who married in their early twenties, and a third of women who married at a similar age are likely to have divorced.
- By 25 years of marriage, half of the men who married in their early twenties and 43 per cent of women who married at the same age are expected to have divorced.

As with teenage brides and grooms those who marry in their early twenties are increasingly at risk of divorce. Of those marrying in 1975-76, about 14 per cent of brides and 19 per cent of grooms were divorced within ten years. But for those who married in 1989-90, these divorce levels had increased to about 19 per cent and 26 per cent respectively (ABS 2000d).

Does marrying later reduce the risk of divorce?

The risk of divorce decreases further for those who do not marry until their late twenties (25-29).

- Among men who marry in their late twenties, 7.9 per cent are likely to divorce within 5 years; 19.1 per cent within ten years; 32.5 per cent within twenty years and 39.5 per cent within 30 years.
- Of women who marry in their late twenties, 6.8 per cent are likely to divorce within 5 years; 16.6 per cent within ten years; 29.5 per cent within twenty years and 36.2 per cent within 30 years.

- The risk of divorce of those who marry in their late twenties is similar to that of those who get married in their thirties and forties.

Of those who marry when they are over 50, the risk of divorce is lower than for any other age group. Although the divorce risk is only a little lower after five or ten years of marriage, the divorce risk is considerably lower after 15 or more years. However, this lower risk is not simply because older people work harder at staying married. The more likely reason for the lower divorce rate of older people – especially after fifteen or more years of marriage – is that many of these marriages are ending due to the death of a partner rather than divorce. We cannot tell what the divorce rate would be for these brides and grooms if widowhood did not intervene.

How old are people when they divorce?

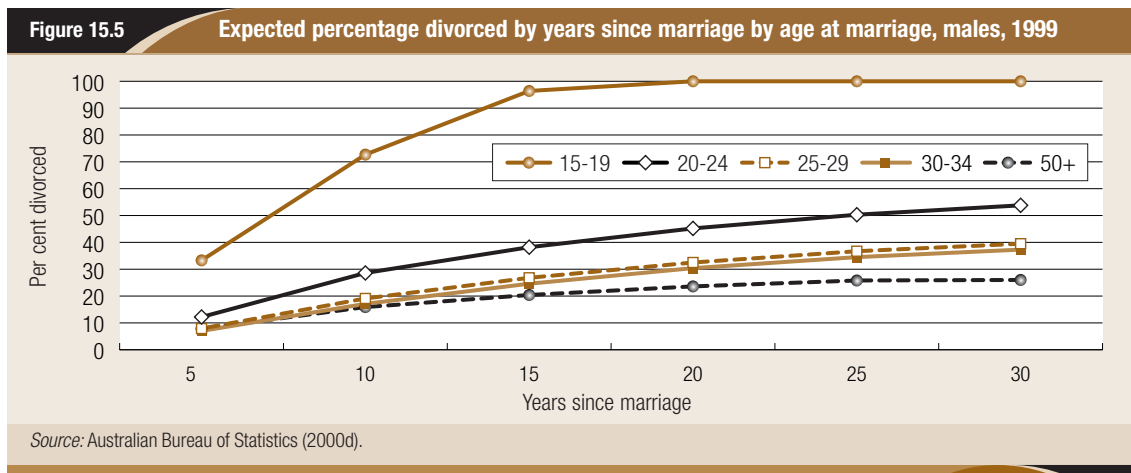
The likelihood of divorce depends on how long a couple has been married (p. 220). This has the effect of making some age groups much more divorce-prone than others.

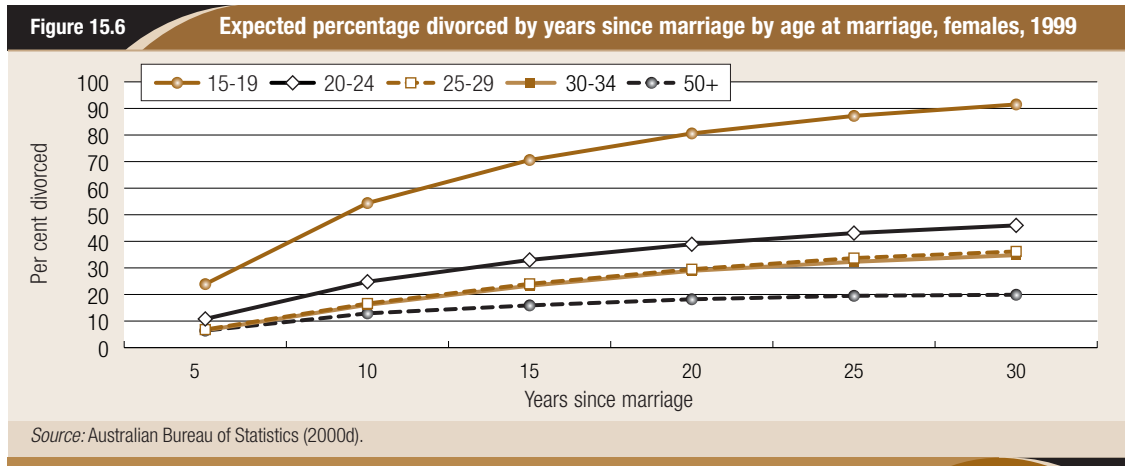
The average age of divorce in 2001 was 42 for men and 39 for women. But over the years the average age of divorce has increased (Figure 15.7). This is largely due to the later ages at which people are marrying. Following the rise in the age of marriage from the early 1970s, the median age of divorce begins to increase by the late 1970s. Along with the ongoing increasing age of marriage, the age of divorce has continued to rise.

Which ages are the most dangerous for divorce?

Some age groups are more divorce-prone than others. Age-specific divorce rates provide a picture of the level of divorce within each age group. When reported separately for men and women, as in Table 15.3, these rates indicate the number of divorces per 1000 married men and women respectively.

In 2000, the most divorce-prone age group of men were those in their early thirties (21.1 per 1000),





closely followed by those in their late twenties (19.1) and late thirties (18.8). From the early forties onwards the risk of divorce declines steadily to a low of 2.7 among those aged 60 or over. This pattern of divorces peaking among men aged 25-39 reflects the age at which people marry and the fact that the first ten years of marriage are the most vulnerable to divorce. It also reflects selective factors among older couples (that is, the most vulnerable marriages end relatively quickly when people are younger, so marriages that survive until people are older are those that are most likely to survive).

Among women in 2000,⁴ the picture is similar except that the divorce risk peaks earlier – (21.8 per 1000) among women in their late twenties, and early thirties (20.5). This earlier peak reflects the younger age at which women marry.

Among men there has been a small shift in the profile of the most *at risk* age groups. In 1985 and 1990 men in their late twenties were at slightly more risk of divorce than those in their early thirties. Since then the greatest risk of divorce has moved to slightly older men – those in their thirties. This reflects both the later age of marriage and the increase in the duration of marriages before divorce occurs.

A similar trend is evident among women. Although women in their late twenties have remained the most divorce-prone between 1985-2000, the greatest increase in divorce risk is now among women in their thirties. In 1985, 16.5 women per 1000 married women in their early thirties divorced. By 2000 this had increased to 20.5 – a risk increase of 24 per cent.

Who is divorced?

Age and divorced marital status

While divorce rates are lower among older people, the cumulative effect of divorces when people are younger and do not remarry, means that the proportion of older people who are divorced is higher than among younger age groups. Table 15.4 shows that, overall, of those who are or have been partnered the chances of those people currently being divorced or separated peaks among those in their forties and fifties. Of married or formerly married men in their forties and fifties, between 18 and 20 per cent were divorced or separated at the time of the 2001 Census. For comparable women, the peak of currently divorced women occurs earlier – in the mid thirties and continues through to their forties and fifties.

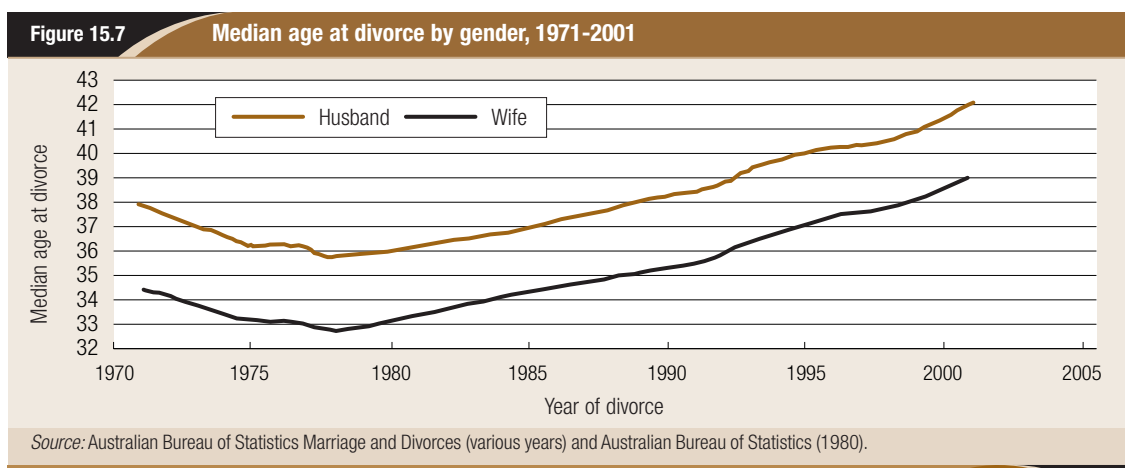


Table 15.3 Age-specific divorce rate 1985-2000 by gender

	<24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60+
Husband									
1985	12.3	18.6	17.9	15.9	13.4	10.8	7.8	5.6	2.1
1990	9.9	19.4	18.4	15.8	13.8	11.7	8.5	5.6	2.0
1995	11.8	19.9	20.5	18.1	15.8	14.3	10.6	6.9	2.7
2000	12.0	19.1	21.1	18.8	16.5	14.2	11.4	7.5	2.7
Wife									
1985	15.4	19.1	16.5	14.5	12.1	9.1	5.7	3.8	1.6
1990	15.1	20.5	16.8	14.4	12.7	9.7	6.3	3.6	1.3
1995	16.4	21.8	19.4	16.9	14.9	12.1	8.3	4.9	1.7
2000	16.1	21.8	20.5	17.5	15.4	12.6	9.0	5.2	1.8

Source: Australian Bureau of Statistics Marriages and Divorces (various issues).
Age-specific divorce rates are the number of divorces in the specific year per 1000 married men or women

Are some cultural groups more likely to be divorced than others?

The country in which people are born makes a difference to their divorce behaviour. This is not surprising since divorce rates vary between countries and these different rates will reflect cultural rather than solely legal differences between countries. It is hardly surprising, therefore, that differences in divorce behaviour can also be observed among Australians born in different countries.

Tables 15.5 and 15.6 report divorce rates of Australians born in selected countries. These rates indicate the number of divorces for every 1000 married men or women born in that country. Column 3 in each table shows that compared to Australian born married people, men and women born in China, New Zealand and Vietnam have relatively high divorce rates while those from Greece, Italy, India and Malaysia have relatively low rates of divorce.

Table 15.4 Per cent of those married, separated or divorced that are divorced or separated by age, 2001

	Male %	Female %
15-19	25.4	14.8
20-24	8.9	10.2
25-29	10.1	12.9
30-34	13.3	16.4
35-39	15.8	19.4
40-44	18.3	22.0
45-49	19.7	23.0
50-54	19.4	22.4
55-59	17.6	20.5
60-64	15.4	17.9
65-69	13.1	15.7
70-74	11.0	14.2
75-79	8.9	13.4
80-84	7.7	14.2
85 +	7.9	18.8

Source: 2001 Census (Australian Bureau of Statistics (customised data cube).
Excludes never married and widowed

These Tables also show that for some cultural groups the divorce rate varies a great deal depending on whether the person is married to a person born in the same country as themselves or is married to an Australian born partner. For example, men born in Greece who are married to an Australian born wife had a divorce rate of 16.5 compared to just 3.5 when he married a Greek born wife. Italian born men marrying an Australian born wife have a divorce rate of 11.0 compared to just 2.7 among those marrying an Italian born wife. The same general pattern of much higher divorce rates among ethnically mixed marriages applies to men and women born in China, Germany, India, Malaysia, the United Kingdom and the Philippines. Similar patterns apply to men and women although the pattern for Filipino born women married to Australian men is particularly striking. When Filipino women marry an Australian born man the divorce rate is 40.8 compared to 20.1 when a Filipino man marries an Australian born woman (Table 15.5 and 15.6).

As well as being linked to divorce rates, country of birth is linked to the duration of marriages that end in divorce. In 2000, Australian born men and women who divorced did so on average after 11.7 years of marriage. Compared to this, Chinese born men and women who divorce did so after an average of about six and a half years after marriage and those born in Vietnam who divorce typically did so within just under 6 years of marrying. In contrast, divorcing men and women born in Greece, Italy and to a lesser extent those born in Germany and the United Kingdom, took much longer to divorce. For example, Greek men who divorced did so after an average of 18.3 years after marrying and Greek born divorcing women did so an average after 20.6 years after marrying (Tables 15.5 and 15.6).

It is difficult to be certain why the divorce rates and marriage durations differ so sharply between men and women born in different countries. Some of

the differences, no doubt, are cultural in origin. Other reasons could include selective factors relating to the characteristics and motivations of those who migrate to Australia. The higher rates among some groups may reflect the pressures that result from migration or the circumstances surrounding their decision to migrate to Australia. Greater isolation, poverty, and difficulty accessing suitable support services may place marriages among particular ethnic groups at greater risk than others.

Are Indigenous Australians more likely to be divorced?

Indigenous Australians have a much higher rate of cohabitation than non Indigenous Australians, but two thirds of Indigenous Australians nevertheless enter into a registered marriage. In 2001, of those who were either currently married, separated or divorced⁵, Indigenous men and women had considerably higher percentages who were currently divorced.

Table 15.7 shows that of the population of Indigenous women who were married, divorced or separated, 31 per cent were currently divorced at the time of the 2001 Census. The comparable divorce level of non Indigenous women was 19 per cent. Similar differences occur among men.

Does education “protect” against divorce?

Educational qualifications are linked to whether or not people were currently divorced at the time of the 2001 Census. This was especially evident among men. Of all men who were either married, separated or divorced, only 10.7 per cent of those with a degree were separated or divorced. Of those with a diploma or certificate qualification, 15 per cent were separated or divorced while 17.4 per cent of those with no qualifications were separated or divorced. (Table 15.8).

However, it is not clear from these figures whether higher education somehow protects against divorce

Table 15.5 Divorce characteristics of husbands born in selected countries, 1996 and 2000

Country of birth of divorcing husband	Divorce rate ^a , 1996 when married to Australian born wife	Divorce rate ^a , 1996 when married to wife born in same country	Divorce rate ^a , 1996 regardless of wife's birthplace	Median duration of marriage, 2000	Median interval between marriage & final separation, 2000
Australia	14.1	--	15.1	11.7	8.3
China	50.8	25.6	29.4	6.8	4.6
Germany	22.9	8.8	14.5	15.2	10.7
Greece	16.8	3.5	4.9	18.3	14.6
India	14.9	6.7	8.8	10.7	7.8
Italy	13.5	2.7	4.7	18.8	15.1
Malaysia	21.0	5.4	11.5	11.4	7.8
New Zealand	22.1	22.0	22.2	12.0	8.1
Philippines	22.1	13.6	19.0	10.1	5.5
United Kingdom	19.1	9.8	14.2	13.3	9.8
Vietnam	23.3	22.6	23.0	5.8	3.3

Source: Australian Bureau of Statistics (2000d and 2001e).
^a Divorces per 1000 married men

Table 15.6 Divorce characteristics of wives born in selected countries, 1996 and 2000

Country of birth of divorcing wife	Divorce rate ^a , 1996 when married to Australian born husband	Divorce rate ^a , 1996 when married to husband born in same country	Divorce rate ^a , 1996 regardless of husband's birthplace	Median duration of marriage, 2000	Median interval between marriage & final separation, 2000
Australia	14.1	--	14.9	11.7	8.3
China	31.5	25.6	25.2	6.5	4.1
Germany	18.2	8.8	15.5	14.6	11.4
Greece	16.5	3.5	6.7	20.6	16.9
India	26.8	6.7	12.0	11.2	7.8
Italy	11.0	2.7	5.7	21.3	16.9
Malaysia	25.9	5.4	10.9	10.4	7.9
New Zealand	23.8	20.0	22.3	11.8	8.1
Philippines	40.8	13.6	15.9	10.1	6.2
United Kingdom	19.5	9.8	14.9	14.4	10.7
Vietnam	20.0	22.6	24.3	5.7	3.3

Source: Australian Bureau of Statistics (2000d and 2001e).
^a Divorces per 1000 married women

Table 15.7 Per cent divorced by Indigenous status by gender, 2001

	Non-Indigenous %	Indigenous %
Male		
Divorced/Separated	15.5	24.8
Married	84.5	75.2
Female		
Divorced/Separated	18.9	30.9
Married	81.1	69.1

Source: 2001 Census (Australian Bureau of Statistics customised data cube).
Excludes never married and widowed

or whether it increases the chances of remarrying and thus reduces the percentage of people who are divorced at any particular point of time.

Are white collar professionals less or more likely than others to be divorced?

The level of currently divorced men in 2001 differs according to their occupational level in a way that might be expected from the figures reported above in relation to education and divorce. Men in upper white collar occupations – especially, managers, administrators, professionals and associate professionals – comprise relatively fewer currently

Table 15.8 Per cent of men and women who are divorced by qualifications and marital status, 2001

	Degree or Higher %	Diploma or Certificate %	No qualifications %
Male			
Separated/divorced	10.7	15.1	17.4
Married	89.3	84.9	82.6
Female			
Separated/divorced	16.2	19.6	19.5
Married	83.8	80.4	80.5

Source: 2001 Census (Australian Bureau of Statistics customised data cube).
Excludes never married and widowed

divorced or separated men than lower occupational groups. For example, just 10.3 per cent of men from the managerial and administrator occupational group, were separated or divorced. This compares with 18.6 per cent of labouring men who were currently divorced in 2001.

As indicated earlier it is not clear to what extent the lower percentage of currently divorced professionals and managers is due to this group being less likely to divorce in the first place or because they are more able to repartner. Whatever the case is, the figures are consistent with the marriage-market thesis proposed by Birrell and Rapson (1998) when discussing marriage rates. They argue that men who are likely to be better economic providers are more attractive marriage prospects. This may mean either that marriages are more likely to survive or that men who are financially well off find it easier to repartner following divorce.

In relation to employed women, Table 15.9 shows very little link between occupational group and levels of divorce. Among employed women who were either married or divorced/separated, around 20 per cent were divorced. This level applied to virtually all occupational groups except managers, administrators and the advanced clerical/sales groups where fewer women were divorced.

Religion

Religious groups regard divorce in different ways. For some groups, divorce is completely unacceptable, while for others it is regarded as an undesirable event that nevertheless happens. It might be expected, therefore, that the level of divorce might differ between people with different religious affiliations. Table 15.10 shows the percentage of people who are or have been married (excluding widows) that were divorced at the time of the 2001 Census. These data do not measure the divorce rate within these religious groups – simply the percentage of currently divorced people. The

Table 15.9 Per cent of men and women currently divorced by occupational group and marital status, 2001

	Managers & Admin %	Professionals %	Associate Professionals %	Trades & Related %	Adv Clerical & Service %	Interm Clerical, Sales & Service %	Interm Prod'n and Transport %	Elemen Clerical, Sales & Service %	Labourers %
Male									
Divorced/Separated	10.3	11.8	13.3	15.0	13.7	16.3	18.3	18.1	18.6
Married	89.7	88.2	86.7	85.0	86.3	83.7	81.7	81.9	81.4
Female									
Divorced/Separated	15.1	18.5	19.9	19.7	14.6	21.0	20.0	20.9	21.8
Married	84.9	81.5	80.1	80.3	85.4	79.0	80.0	79.1	78.2

Source: 2001 Census (Australian Bureau of Statistics customised data cube).
Excludes never married and widowed

levels of currently divorced people will be a function of the number of people with a particular affiliation who divorce *and* remain divorced.

Those with no religious affiliation were the most likely to be currently divorced – 22.3 per cent were divorced (Table 15.10). This high level is likely to be due to people without a religious affiliation being more likely to divorce and being less likely to remarry following divorce. People with no religious affiliation are more likely to cohabit (p. 118-19) and thus will continue to have a registered marital status of “divorced”.

Among those who nominated a religious affiliation there was a surprising similarity between those from different religious groups. Those from a Greek Orthodox background had the lowest proportion who were divorced (11.7 per cent) followed by Muslims (13.5 per cent), Pentecostals (13.7 per cent) and Baptists (14.5 per cent). All these groups strongly disapprove of divorce (Table 15.10).

However, in the mainstream religious groups, which probably have far more people who are only nominally related to the religious group, than those mentioned above, the levels of currently divorced are not all that much higher. Of Catholics, 16.1 per cent were divorced in 2001; along with 18.2 per cent of Anglicans; and 17.9 per cent of Presbyterians (Table 15.10).

How long do marriages last?

The majority of marriages do not end in divorce. Earlier, it was reported that the *observed* divorce rate of those who married 25 years ago is about 32 per cent. This means that 68 per cent of marriages survive (at least in the formal sense) until one partner dies. The length of these marriages, of course, depends on the age at which people marry and the age at which one partner dies. The discussion that follows focuses just on marriages that end in divorce. The question addressed is “how long are people who divorce, married for, before they divorce?”

Couples who divorced in 2001 were married, on average, for 11.8 years. However, these former couples had been separated for some time before the divorce was finalised. The average period between marriage and final separation in 2001 was 8.3 years. Both figures represent a gradual trend for marriages to last longer before separation and divorce – a trend that began in the late 1980s. In the 1990s the average duration of marriages increased by a year before final separation and 1.7 years before divorce. The current duration of marriages before divorce is now similar to those in the early 1970s – before the introduction of “no fault” divorce in 1976. While the Family Law Act made divorce easier and its introduction was followed by an increased divorce rate, there has been no long term negative effect on the duration of marriages.

While averages such as those in Figure 15.8 indicate the typical duration for marriages, they provide little sense of the *variation* in marriage duration before relationship breakdown. Table 15.11 provides this perspective by showing the percentage of marriages that had ended in separation and divorce within 5, 10, 15, 20, 25, 30 and more than 30 years of marriage.

The majority of marriages that end in separation do so within ten years of marriage. Indeed a third of marriages that end in separation do so within 5 years with 6 per cent ending in separation in less than a year. More than half of the marriages that end in divorce do so within 15 years of marriage.

Once a marriage has survived for 20 years the risk of it ending in divorce is relatively low. Only 27.6 per cent of all divorces in 2001 were to people who had been married for twenty years or more.

Table 15.10 Per cent currently divorced by selected religious group, 2001

	Catholic %	Anglican %	Uniting Church %	Presbyterian %	Lutheran %	Greek Orthodox %	Baptist %	Pentecostal %	Other Christian %	Islamic %	Buddhist %	Jewish %	No Religion %
Divorced/Separated	16.1	18.2	14.1	17.9	16.2	11.7	14.5	13.7	15.3	13.5	18.0	14.2	22.3
Married	83.9	81.8	85.9	82.1	83.8	88.3	85.5	86.3	84.7	86.5	82.0	85.8	77.7

Source: 2001 Census (Australian Bureau of Statistics customised data cube). Excludes never married and widowed

Table 15.11 Duration of marriage till final separation and divorce, 2001

Duration (years)	Final separation %	Divorce %
1-4	34.1	16.6
5-9	22.5	26.2
10-14	15.2	18.2
15-19	11.8	14.2
20-24	8.2	10.2
25-29	5.0	7.4
30+	3.3	7.4

Source: Derived from Australian Bureau of Statistics (2002d).

Cohabiting relationships typically do not last as long as marriages. That is, when cohabiting relationships break up they do so much more quickly than do marriages. This matter is discussed more fully in Chapter 10.

Is living together before marrying risky?⁶

On face value, it might be expected that a period of cohabitation would give couples unique insight into their compatibility, thereby helping them make informed decisions about whether or not to marry. On this basis it might be expected that marriages preceded by cohabitation would have a better survival rate than those into which people enter without first cohabiting. However, most of the research into this issue in Australia and countries elsewhere suggests quite the opposite. Marriages that are preceded by cohabitation (“indirect marriages”) tend to have a shorter life than direct marriages (see Australia, Parliament 1998; Lillard, Brien & Waite 1995; Smock 2000).

Is it the case that among contemporary marriages, indirect marriages have a poorer survival rate than direct marriages?

Table 15.12 addresses the current situation. It shows the survival of direct and indirect marriages after 5, 10, 15 and 20 years of marriage.

The data in Table 15.12 are the most up-to-date available. The table shows that, for each marriage duration, indirect marriages have a lower survival rate than direct marriages. The first two columns provide the marriage survival rates after 5, 10, 15 and 20 years after the *marriage* began, with the third column referring to the differences or gaps in the post-marriage survival rates for direct and indirect marriages.

The first row of the table reports the percentage of marriages that began in 1990-94 that survived for five years. Of these recent direct marriages, almost 90 per cent had survived for 5 years compared with 81.4 per cent of the indirect marriages – a survival gap of 8.2 per cent. For marriages that began between 1985-89, 84.2 per cent of the direct marriages were still intact after 10 years, compared with 73.5 per cent of indirect marriages – a survival gap of 10.7 per cent. Marriage survival gaps between direct and indirect marriages persist after 15 and 20 years of marriage.

One of the reasons for the marriage survival gaps between direct and indirect marriages may be because after, say, ten years of marriage, those in the indirect marriage have been together longer (ten years of marriage plus the time together before marriage). The longer duration of these indirect marriages may partly explain why more of them have ended – they have had more time in which to end.

The fourth and fifth columns of Table 15.12 report marriage survival rates after various lengths of time since the *relationship* began. These figures show that the survival gaps of direct and indirect marriages are narrower if the duration of the union rather than the marriage is considered (column (e) compared with column (c)) – a trend that is especially evident among the most recent cohorts. Of those who married in 1990-94, the survival rate of indirect and direct marriage was virtually the same

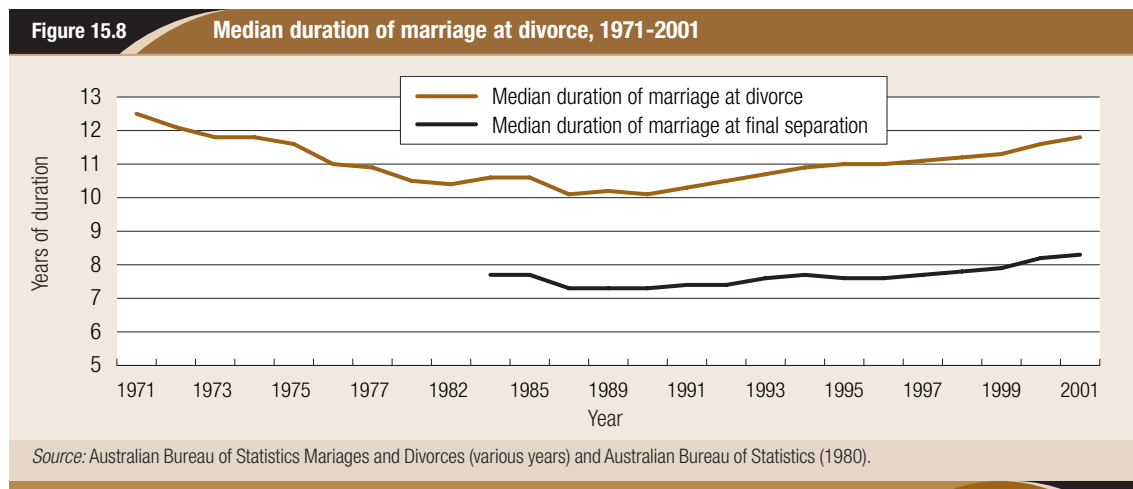


Table 15.12 Survival of direct and indirect marriages by duration of marriage and relationship

Marriage survival after	Marriage duration			Union duration	
	(a) Direct marriages %	(b) Indirect marriages %	(c) Gap (a-b) %	(d) Indirect marriages %	(e) Gap (a-d) %
5 years (1990-94 cohort)	89.6	81.4	8.2	89.2	0.4
10 years (1985-89 cohort)	84.2	73.5	10.7	78.3	5.9
15 years (1980-84 cohort)	74.3	63.3	11.0	66.6	7.7
20 years (1975-79 cohort)	69.9	53.7	16.2	54.7	15.1

Source: Combined data sets of HILDA, 2001 (FaCS 2002a); Negotiating the Life Course Study, 1997; Australian Family Life Course Survey, 1996.

when the period of living together before marriage was included in calculations. For the next most recent cohort (those who married in 1985-89), the survival gap after ten years of union formation was also much narrower than the gap after ten years of marriage – just 5.9 percentage points compared with 10.7 per cent. However, for those who began their union 20 years previously, including the duration of the union makes little difference to the survival gap between direct and indirect marriages.

Another explanation for the higher marital instability of those who cohabit before they marry is that the people who choose to cohabit first have distinctive characteristics that are associated with a higher risk of divorce (termed a self-selection bias). They are more likely to have divorced parents, be less religious, be from an English speaking background, and have lower education. All these factors are also associated with marriage breakdown.

To test directly whether the poorer marriage survival among indirect marriages is due to the distinctive characteristics of those who choose to cohabit, multivariate statistical techniques are required. Table 15.13 estimates the probability of direct and indirect marriages ending in separation if those entering direct and indirect marriages shared similar characteristics.

These figures indicate that, when differences in the characteristics of those in direct and indirect marriages are removed, in the most recent cohorts (that is, those beginning to cohabit in the early 1990s) there is little difference in their risk of separation. For example, considering the separation rate after 8 years of marriage, the estimated separation rate of direct marriages is 17.3 per cent compared with 16.6 per cent for those in indirect marriages – a gap of just 0.7 per cent. When the length of the union rather than the marriage is considered, the risk of separation after 8 years is 16.6 per cent for direct marriages and 13.2 per cent for indirect marriages – a gap of 3.4 per cent favouring indirect marriages.

The picture for the early 1990s is different from earlier decades. In the early 1970s, for example, indirect marriages were at considerably higher risk of separation even after controlling for differences in the characteristics of those who enter direct and indirect marriages.

Do remarriages last longer than first marriages?

Unfortunately, information on this matter is limited since the government authorities no longer collect information on previous marital history when people marry. We must therefore rely on 1994 data, which is the most recent comprehensive source of information on this matter.

Figure 15.9 shows the percentage of men and women who had divorced after 10, 20 and 30 years of marriage according to whether it was their first marriage (that is, never married previously), a remarriage following divorce, or a remarriage following widowhood. These graphs show that regardless of gender and the length of time since getting married:

Table 15.13 Predicted probability of separation within 8 years of first marriage, women

Marriage cohort	After 8 years of marriage		
	Direct marriage (a) %	Indirect marriage (b) %	Gap (b-a) %
1970-74	12.9	23.9	11.0*
1980-84	15.0	20.0	5.0
1990-94	17.3	16.6	-0.7

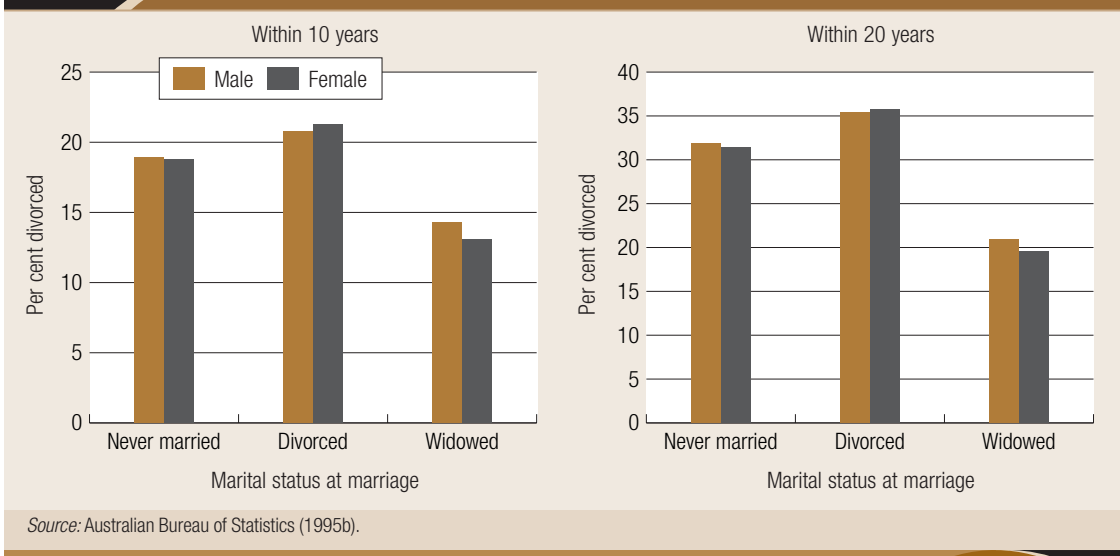
Marriage cohort	After 8 years of union		
	Direct marriage (a) %	Indirect marriage (b) %	Gap (b-a) %
1970-74	12.2	17.8	5.6*
1980-84	14.3	15.3	1.0
1990-94	16.6	13.2	-3.4

Source: HILDA 2001 (FaCS 2002a).

*p<.05

The effects of country of birth, education, parental divorce, age at which relationship began, religiousness, having given birth to a child before marriage have all been held constant statistically when making these estimates.

Figure 15.9 Divorce within 10 and 20 years of marriage by marital status at marriage by gender, 1994



- Remarriages following widowhood were the least likely to end in divorce.
- Remarriages following divorce were the most likely to end in divorce. However, while such remarriages were more likely than first marriages to end in divorce, the difference is quite small. For example, in 1994 after 20 years of marriage, 31.9 per cent of men in their first marriage had divorced compared with 34.4 per cent of men who had remarried following an earlier divorce. The comparable figures for women were 31.4 per cent and 35.7 per cent respectively.

Why do people divorce?

Divorce is a complex event that can rarely be attributed to a single factor. Individual characteristics, external pressures, family background, social and cultural values, economic matters and many other factors can contribute to an event which is often the outcome at the end of an extended sequence of events.

The Andrews' Report (Australian Government 1998), summarised the main themes for marriage breakdown made in submissions to the House of Representatives Standing Committee on Legal and Constitutional Affairs. These included: unemployment and work-related problems; high risk factors within marriages (such as addictive behaviours, chronic illness, or the death of a child); blended families; marriage and relationship breakdown in the family of origin; a redefinition of gender roles and the feminist agenda of equality; ambivalent or negative attitudes towards marriage; the growth of individualism; poor communication skills; poor parenting skills; domestic violence; premarital cohabitation; ease of divorce; geographical and social isolation of the family; and migration issues (ABS 2001e).

How do divorced men and women explain their divorce?

The reason why people divorce can be approached in two fundamentally different ways. We can try to locate factors associated with divorce, of which individuals may not be especially aware. These types of factors include the values they hold; the impact of economic circumstances; age of marriage; and the role of cohabitation. These factors have already been canvassed in this chapter and elsewhere in this book.

Table 15.14 Perception of main reason for marriage breakdown by gender

Main Reason	Women %	Men %	All %
Affective issues	65.1	79.0	71.2
Communication problems	22.6	33.3	27.3
Incompatibility / 'drifted apart'	19.8	22.6	21.0
You or former spouse had an affair	20.3	19.7	20.1
Abusive behaviours	24.3	4.1	15.5
Physical violence to you or children	9.6	0.4	5.5
Alcohol/drug abuse	11.3	2.5	7.4
Emotional and/or verbal abuse	2.5	1.1	1.9
External pressures	10.6	16.9	13.2
Financial problems	4.0	5.7	4.7
Work/time	1.7	3.9	2.7
Family interference	0.3	1.1	0.6
Physical/mental health	4.2	5.4	4.7
Other			
Spouse's personality	0.8	1.4	1.1
Children problems	2.0	0.7	1.4
Other	0.8	2.2	1.4
N	354	279	633

Source: Australian Divorce Transitions Project (Wolcott and Hughes 1999).
 Note: Missing cases=17 (no reason given). $\chi^2=59.38, p<.001$ (women's reports versus men's reports).
 N=633

In addition, individuals who divorce can be asked for their perceptions about what caused the divorce. While the reasons given by the parties to a divorce are unlikely to reflect the full set of reasons for divorce, this perspective is nonetheless still valuable in developing a fuller understanding of the factors that contribute to divorce.

The Australian Institute of Family Studies, Australian Divorce Transitions Project (ADTP) explored the explanations that divorced men and women gave for their divorce⁷. These reasons are reported fully in Wolcott and Hughes (1999).

Consistent with previous Australian and overseas research, divorced men and women were most likely to attribute their divorce to affective issues, that is, to communication problems, incompatibility and infidelity (Table 15.14). Women in particular were likely to point to communication problems as the main reason for marriage breakdown. These explanations provided by divorced men and women only provide limited insight into the cause of the divorce. These explanations are, in many cases, symptoms of a relationship that is deteriorating and are often the outcome of some other underlying set of factors that are contributing to marriage breakdown.

Abusive behaviours were the second most common set of explanations provided by divorced women. Almost a quarter of women (23.4 per cent) attributed the marriage breakdown to either physical/emotional abuse or to alcohol and drug abuse. Very few men (4 per cent) saw the marriage breakdown in these terms.

The next most common factor to which divorced men and women attributed their divorce can be described as “external” factors that affected their relationship. These factors included financial pressures, work/time pressures, health and interference from other family members. Overall, almost 13 per cent attributed their divorce to these types of factors.

Is gambling a cause of divorce?

The recent growth in legalised gambling has been pointed to as a factor behind many divorces. What is the evidence for this? The Productivity Commission report on gambling provides some information. The National Gambling Survey (Productivity Commission 1999) found that:

- About one in ten problem gamblers said that their gambling had “ever” led to a relationship breakdown.
- About one quarter of problem gamblers who have sought counselling said that gambling had led to the break up of a relationship with a partner.
- Around 1600 divorces each year are estimated to be attributable to gambling-related problems.

- One in ten gamblers in counselling reported domestic or other violent incidents related to their gambling.
- Of problem gamblers, 11.4 per cent reported losing contact with their children as a result of their gambling.
- 13.1 per cent of problem gamblers reported violence resulting from their gambling.

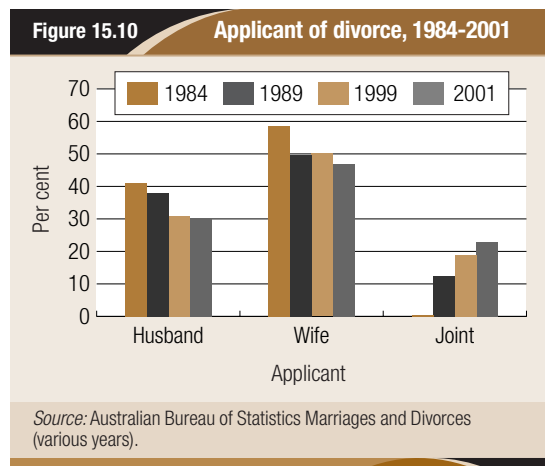
Who initiates divorces – husbands or wives?

In 2001, as in previous years, wives were more likely than husbands to file for divorce. In 2001, almost half (47 per cent) of all divorce applications were filed by wives while less than a third (30 per cent) were filed by husbands. Just under a quarter (23 per cent) of applications were jointly filed (Figure 15.10).

The 2001 figures continued a trend that had been developing for some years whereby more applications have joint applicants and fewer have been initiated by husbands. Since 1989 the percentage of joint applications has almost doubled from 12.4 per cent to 23 per cent.

It is not entirely clear what the information regarding the divorce applicant means. It is often interpreted as signifying something about the costs of marriage. The higher rate of applications by women has been interpreted to mean that women are more inclined than men to leave marriages. This may be so, but care must be taken with this interpretation. Certainly not all divorce applicants will be the leavers. An unknown percentage will be “the left” who, having been left, “tidy up” and initiate divorce proceedings or initiate proceedings as a retaliation over being left.

However, evidence from the 1997 ADTP suggests that it is, in fact, women who are the most likely to initiate the ending of the relationship. Almost two thirds (64 per cent) of the divorced women compared with just 21 per cent of the divorced men in this national sample said that it was mainly them who made the decision to separate (Wolcott and Hughes 1999).



The more recent HILDA survey in 2001 confirms the same general picture but provides different figures from 1694 divorces in the study. Based on reports from separated men and women, the HILDA survey found that in 50 per cent of separations it was the woman's decision to finally separate. This survey found that it was the husband's decision to separate in just 20 per cent of cases with the remaining 30 per cent being a joint decision.

In other words, despite the different ways of assessing who initiated the end of the marriage and across different samples, a consistent pattern emerges – wives were considerably more likely than husbands to initiate the end of the marriage.

Children and divorce

One of the concerns about the rate of divorce is the extent to which divorces involve children. Debate continues regarding the extent to which divorce affects the wellbeing of children but the weight of the evidence is that children whose parents have divorced do somewhat less well as a group on a range of measures than those whose parents have not divorced (Pryor and Rodgers, 2001). Interpretations of the reasons for these differences vary. Some people attribute the differences between children with divorced parents to the particular family structure in which such children live, while others attribute the differences to economic factors and higher levels of conflict that children whose parents have divorced have had to endure. It is not the purpose of this book to enter into this debate. The purpose of this section is to provide an indication of the demographics of children and divorce. Unless otherwise stated, all the figures relate to children under the age of 18.

How old are children when their parents divorce?

In 2001, in divorcing families with children under the age of 18, the youngest child was aged:

- 0-4 years in 26.2 per cent of families.
- 5-9 years in 36.6 per cent of families.
- 10-14 years in 25.4 per cent of families.
- 15-17 years in 11.8 per cent of families.

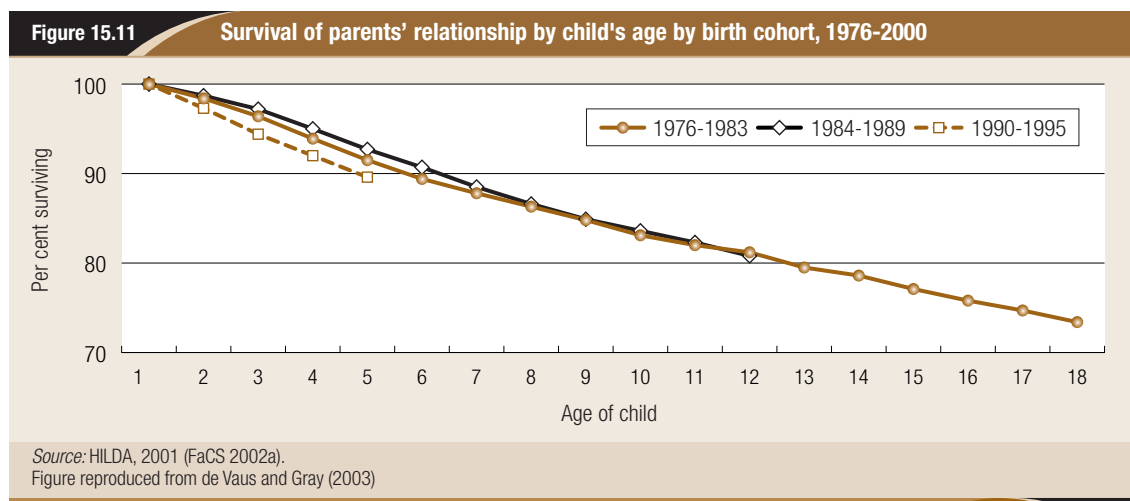
How likely are children to have their parents separate or divorce?

While many children experience a family break up due to their parents' divorce, there will be others whose parents only separate rather than divorce. Parental separations occur when married parents separate but do not finalise the separation in divorce. However, an increasingly significant group of separations are those where parents who cohabit without being married decide to separate. As more cohabiting couples have children, this group of children is exposed to family breakdown but are not identified in the divorce statistics.

It is difficult to obtain information about children from cohabiting relationships that break down. However, the HILDA survey provides information that allows estimates of the breakdown of cohabiting relationships that include children.

Most children are born into a family consisting of both their biological parents (p. 136-37). These families are referred to as *intact* families. Figure 15.11 reports the survival of these intact families as children grew up. It indicates, for three birth cohorts, the percentage of such children who were still living in their intact family at different points throughout their childhood.

The solid line shows the percentage of children born in 1976-83 who continued to live in an intact family for their whole childhood up to the age of 18. Of this cohort, 91.5 per cent were still living with both their birth parents by the time they were five years old, while 81.2 per cent were still with



both their parents by the time they turned 12. By the time they turned 18, 73.4 per cent of children who were born into an intact family were still in that family, that is, their parents had remained together for the whole 18 years.

A more recent cohort of children born between 1984-89 shows the percentage remaining in an intact family by the age of 12. Figure 15.11 shows that the percentage from this cohort was almost identical to that in the earlier cohort. This means that the rates of survival of intact families remained stable for children born between 1979-83 and those born between 1984-89.

The most recent cohort of children born between 1990-1995 have slightly lower rates of intact family survival by the age of five years of age. By the time this most recent cohort of children reached five years of age, 89.6 per cent were still living in their original intact family. This is slightly lower than the 92.7 per cent figure for the previous birth cohorts.

Chapter 11 on childhood transitions provides further information about the extent to which children are faced with family breakdown during their childhood.

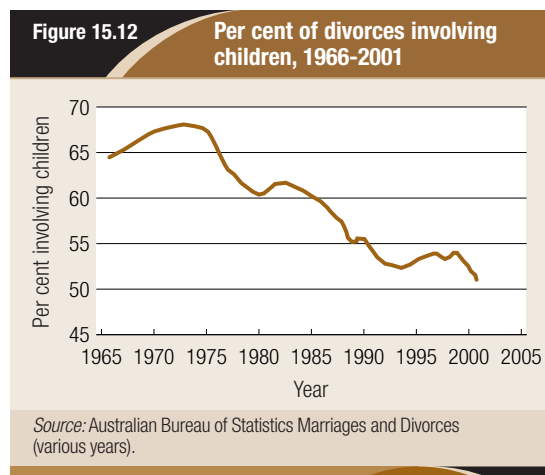
Do fewer divorces involve children than in the past?

In 2001, 51 per cent of divorces involved children under the age of 18. This represents a continuation of a long term trend that began in 1971 when two thirds (67.6 per cent) of divorces involved children (Figure 15.12). There are several likely reasons for this decline.

First, more people are having children outside of marriage. There are also now fewer “shotgun marriages” (p. 200) where parents marry simply because of pregnancy. These marriages, especially among teenagers, were very prone to divorce. In addition, more couples are having children without being married (p. 201). These relationships are more prone to breakdown, but are not counted in the divorce statistics. Were they included, it is likely that the downward trend in divorces involving children would not be as steady as indicated in Figure 15.12.

Second, couples are delaying having children after they marry (p. 203). Wider access to reliable contraception enables couples to delay pregnancy until they are both more certain about the future of the relationship and both want children. Greater control over fertility is also likely to reduce the number of children who are implicated in parental divorce.

Despite the decline in the percentage of divorces involving children, there has nevertheless been an increase in the *number* of children involved in parental divorces. There was a sharp increase in

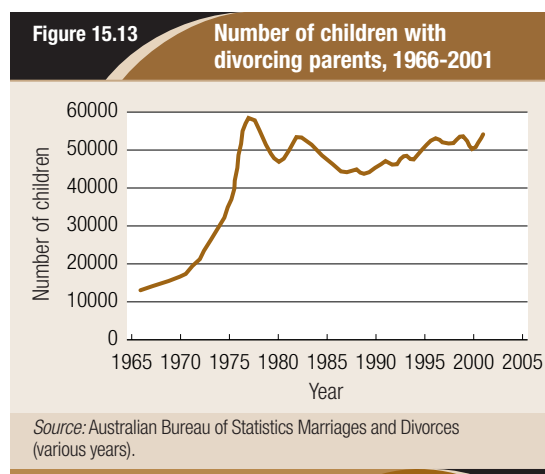


these numbers around the time of the 1975 Family Law Act. During the 1980s the number of children affected by divorce declined, but in the 1990s these numbers began to increase again as the *number* of divorces increased. Between 1989 and 2001, the number of children implicated in parental divorce rose from 43,317 to 53,400 (Figure 15.13).

In examining statistics on the number of children affected by parental divorce in any one year, it must be remembered that these figures are cumulative. That is, in 2001 there were 53,400 *additional* children with divorcing parents. These children should be added to those already affected. In 1997, there were 978,400 children under 18 living with one natural parent and with another natural parent living elsewhere (ABS 1999e). This figure includes children whose parents were not married and those who had never lived together.

How does divorce affect the finances of those involved?

The link between divorce and poverty has been discussed in Chapter 4. It was shown that women are more likely than men to experience financial hardship after divorce and that the most effective way



out of financial difficulties for women and their children following divorce is to repartner. The most financially vulnerable adults following divorce are older lone mothers (Smyth and Weston 2000). Accordingly, the discussion here is limited to two matters: spousal support and the division of matrimonial property following divorce. Unfortunately no information is available regarding the arrangements and division of property among cohabiting couples who separate.

Do men support their ex-wife financially?

Spousal support, or “maintenance” is uncommon in Australia. Spousal support is quite different to child support. It is “the money paid by a former spouse for the upkeep of the other spouse – not for the children” (Behrens and Smyth 1999).

There are two main forms of spousal support – regular payments and indirect payments such as property transfers. The Australian Institute of Family Studies ADTP concluded that “spousal support continues to be rare, minimal and brief” (Behrens and Smyth 1999, p. 21). The study found that of people who divorced in the previous decade:

- 6 per cent of spouses received a periodic payment.
- 10 per cent of spouses received support through adjustments to property divisions only.
- A further 1 per cent received both periodic payments and property transfers.
- In 84 per cent of divorces, no form of spousal support was paid.

Typically spousal support is only paid for a limited time. According to the 1997 ADTP, an average of \$128 per week was paid in spousal support for an average of two years. Spousal support was more common following relatively long term marriages (that is, ten or more years) and was more likely to be paid to spouses that were financially badly off. However, those that provided regular payments to their former spouse were not especially likely to be any wealthier than those who do not pay (Behrens and Smyth 1999).

There is much greater acceptance of the view that some form of spousal support should be paid than is actually paid. Table 15.15 indicates that over half the respondents in this national survey of divorced men and women agreed that spousal support should be paid. However, this support was conditional with only 5 per cent stating that spousal support should be ongoing. The rest of the sample either opposed spousal support or favoured it only until the former spouse was on their feet or until they repartnered.

Table 15.15 Attitudes to spousal support, views of divorced men and women

	Male %	Female %	All %
Spousal support <i>should</i> be paid	43	62	54
Spousal support <i>should not</i> be paid	57	38	46
<i>N</i>	256	322	578
Spousal support should only be paid until spouse is ‘on their feet’	57	69	65
Spousal support should be paid until the spouse repartner	30	14	20
Spousal support should go on indefinitely	3	6	5
<i>N</i>	99	194	293

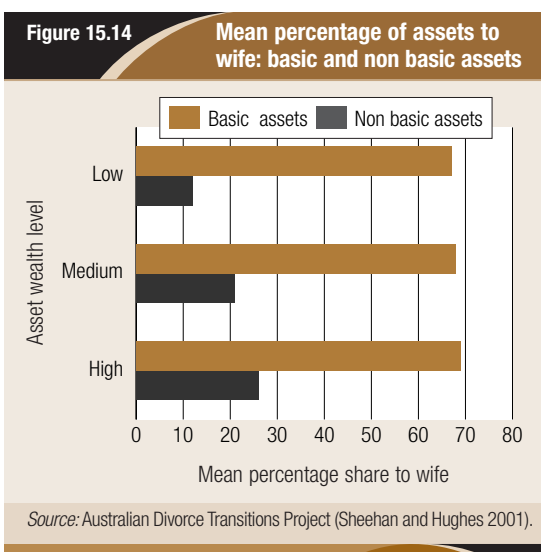
Source: Australian Divorce Transitions Project (Behrens and Smyth 1999).

Who gets the property?

Issues surrounding the division of property following divorce can be the source of ongoing disputes and resentments. In addition, property division can have substantial implications for the wellbeing of former partners and children. Legally, the *starting point* for property division is that each spouse retains ownership of property that is legally theirs. However, the Family Court can vary this if it is satisfied that it is just and equitable to do so. In making any such variation, the Court considers the financial and non financial contributions of each spouse to the property accumulation and the welfare of the family, and the future financial needs of partners (including need to care for children of the marriage).

Attributions of the financial and non financial contributions of each spouse can be difficult and can be highly contested, leading to different perceptions by spouses as to the fairness of Court ordered property division following divorce.

Property can be divided into basic and non basic assets. In the ADTP study, basic assets included funds in bank accounts, housing, furniture, cars, boats, and other typical household and leisure goods. Non



basic assets included superannuation and insurance assets, investments and businesses and farms.

The ADTP study found that following divorce:

- 42 per cent of wives received between 60 to 100 per cent of the property (22 per cent received 80 per cent or more of the property).
- 29 per cent of wives received between 40 to 60 per cent.
- 29 per cent of wives received less than 40 per cent of the property (Sheehan and Hughes 2001).

Overall, wives received a larger proportion of the basic assets of the marriage but men received a greater proportion of the non basic assets (for example, superannuation).

Figure 15.14 shows the average share of the non basic assets received by wives. While wives, on average, received two thirds of the basic assets, they received less than a quarter of the non basic assets. In the wealthiest families wives received, on average, 26 per cent of the non basic assets. By contrast, among the asset-poorest marriages, wives received just 12 per cent of the non basic assets.

Superannuation is an increasingly important asset in many families and will become even more so. More and more, the value of superannuation assets will be taken into account in arriving at a division of matrimonial property. The ADTP study found that superannuation assets were taken into account in property division in between 5 per cent to 15 per cent of cases (as reported by men or women respectively) (Dewar, Sheehan and Hughes 1999).

If the value of superannuation assets were taken into account the share of property settlements that were actually received by wives would alter somewhat as Table 15.16 reports.

If the wife received half the value of the superannuation assets of the marriage and received the same share of other property assets as she actually did in the ADTP study, then the value of her share of the matrimonial property would increase from just under \$60,000 to over \$84,000. A 50/50 split of superannuation assets would increase her share of the property division, on average, from 52 per cent to 58 per cent.

Of course, were a 50/50 superannuation split to be routinely implemented in property division, the division of other assets is likely to be affected. This may have the effect in some cases of reducing the wife's available resources immediately following divorce, in favour of access to superannuation assets in later life. The outcome which is seen to be the most desirable will vary according to the particular circumstances of the parties involved.

Is there life after divorce?

Since the economic circumstances of men and women following divorce have already been discussed and child rearing responsibilities will be discussed in Chapter 16, this section focuses on the feelings of divorced men and women about life after their divorce.

Do divorced people have poorer mental health?

It has been argued often that marriage has protective effects against mental disorders. These arguments propose that the absence of a partner will have negative consequences for mental health. To what extent does contemporary Australian evidence support this?

Table 15.17 reports an analysis of the 1996 National Survey of Mental Health and Well Being and shows the national prevalence of mental disorders over the previous 12 months according to marital status. These figures indicate that as far as mood and anxiety disorders are concerned, separated and divorced men and women had the highest rates of disorder than any marital status group. Divorced and separated people were more

Table 15.16 Estimated effects of splitting superannuation on wife's share of property

Wife's % share of property	Actual share received %	Share if superannuation split 50:50 %
0-19	16	4
20-39	15	19
40-59	28	31
60-79	23	25
80-100	18	21
Mean % to wife	52	58
Median net value to wife	\$59, 816	\$84, 164

Source: Australian Divorce Transitions Project (Dewar, Sheehan and Hughes 1999) reporting data from. N=68

Table 15.17 Disorder by marital status (percentage with disorder)

	Disorder type					N
	Mood %	Anxiety %	Drug %	Alcohol %	Any %	
Married	5.1	9.0	1.3	5.0	13.5	6680
Divorced/separated	12.8	18.9	2.4	9.1	25.1	1413
Widowed	4.1	6.1	0.2	0.9	6.6	904
Never married	9.9	13.1	6.6	13.3	24.8	1644

Source: National Survey of Mental Health and Well Being of Adults, 1997 (Australian Bureau of Statistics 1997d). The difference between marital status is statistically significant at the 0.001 level for each disorder type. Table reproduced from de Vaus (2002)

Table 15.18 Men's and women's satisfaction with various aspects of life following divorce

Satisfaction with	Happy %	Mixed feelings %	Unhappy %
Life overall			
Male	62.5	29.2	8.2
Female	77.5	18.3	4.1
Personal/emotional life			
Male	60.7	24.7	14.6
Female	62.5	26.5	10.9
Standard of living			
Male	56.9	33.7	9.4
Female	65.1	27.8	7.1
Children's wellbeing			
Male	70.9	18.4	10.8
Female	83.3	12.8	3.9

Source: Australian Divorce Transitions Project. Figures adapted from Wolcott and Hughes (1999).

than twice as likely to suffer from these disorders than were married people, and somewhat more likely than those who had never married.

As far as drug and alcohol disorders were concerned, divorced and separated people had prevalence rates only exceeded by those of never married adults. Taken overall, divorced and separated people had similar rates of mental disorders to those who had never married but were prone to different types of disorders.

These figures do not allow any firm conclusions to be drawn as to whether poorer mental health was a consequence of divorce and separation or whether they were the cause of divorce and separation. However, overseas studies that have been able to study people before and after divorce provide support for the view that the poorer mental health of

Table 15.19 Reflections on divorce outcomes by gender

	Men %	Women %
Divorce better for whose happiness?		
Yours	30.2	46.8
Former spouse's	23.8	15.7
Same for both	46.0	37.5
In retrospect would you still have separated		
Yes	67.5	83.1
No	32.5	16.9
How often do you feel you would like to get back together?		
Often	2.6	1.2
Sometimes/rarely	15.5	10.7
Never	81.7	88.1
<i>N</i>	265	339

Source: Australian Divorce Transitions Project (Wolcott and Hughes (1999).

divorced people is more of a consequence of divorce rather than a cause (Simon 2002).

How satisfied are men and women after divorce?

Adjustment to divorce depends in part on what went before, who initiated the divorce (Wolcott and Hughes, 1999), on beliefs about marriage and divorce, and on perceptions regarding the reason for the divorce.

Table 15.18 shows the way in which divorced men and women rated their happiness and life satisfaction following divorce. Although relatively few divorced men and women reported being unhappy, twice as many men as women (8.2 per cent compared with 4.1 per cent) said they were unhappy. There were substantial percentages of men and women, particularly divorced men, who reported having mixed feelings regarding their overall happiness. Overall, divorced women reported higher levels of overall happiness than divorced men (77 per cent compared with 62 per cent).

However, a fair percentage of both divorced men and women reported being less than satisfied with their emotional and personal life. Close to 40 per cent indicated that they at least had mixed feelings about how satisfactory these aspects of their life were.

Similarly, substantial proportions of both divorced men and women were less than satisfied with their standard of living. It was somewhat surprising that divorced men reported greater dissatisfaction than divorced women with their standard of living. Only 57 per cent of divorced men compared with 65 per cent of divorced women were satisfied with their standard of living. It is unclear as to why this was the case – especially given the well documented levels of poverty among lone mothers. These figures may reflect men's dissatisfaction with paying child support or with the effects of the matrimonial division of property (see Smyth and Weston 2000 for other possibilities).

Finally, the majority of both mothers and fathers were satisfied with their child's wellbeing following divorce. While it would be valuable to have the child's perspective on this matter, these figures are, on the surface at least, encouraging regarding the way in which children may cope with parental divorce (Funder 1996). It is significant however, that fathers were less satisfied than mothers regarding their child's wellbeing. Of divorced fathers, 71 per cent were happy with their child's well being compared with 83.3 per cent of divorced mothers. These differences between the satisfaction expressed by mothers and fathers may be due to the fact that most children live with their mothers. Non resident fathers may be less happy with the way their children are being raised than are mothers who typically

have the day-to-day responsibility for the children. This type of differential reporting, of course, is a common feature of divorce research.

Do people regret the divorce?

Table 15.19 reports results from the ADTP regarding the effect of divorce on their happiness, regrets about the divorce and whether they would like to get back together with their former spouse.

Overall, women were more likely to say that divorce was better for their own happiness than for their partner's happiness. Of divorced women almost half (46.8 per cent) felt that the divorce had been better for their own happiness than for that of their former spouse. Only 16 per cent of the women felt the divorce had been more to the advantage of their former partner. Divorced men, on the other hand, felt that divorce had been to the advantage of their former wife's happiness more than to their own happiness.

Women appear to have had fewer doubts than men about their separation. Only 16.9 per cent of women indicated that, in retrospect, they would not have separated. In contrast, almost twice as many men (32.5 per cent) indicated that, in retrospect, they would not have separated.

Despite these gender differences, when men and women reflected back on their divorce it remains the case that over three quarters of the divorced men and women in this nationally representative sample said that, even in retrospect, they would still have separated. Even more (over 80 per cent), indicated that they never felt that they would like

to get back together with their former spouse. Care should be used in interpreting this particular set of responses. These statistics report current feelings about events that may have occurred up to 10 years earlier (on average separations occurred six years previously). These longer term reflections do not necessarily reflect feelings experienced closer to the time at which the divorce occurred.

For how long are people divorced?

Following divorce, over half the men (58.2 per cent) and just under half the women (48.7 per cent) are predicted to remarry eventually (p. 177). Some repartner without remarrying; others remain on their own; still others have a series of relationships.

Table 15.20 Duration until remarriage following divorce by gender, 2001

Years from divorce till remarriage	Men %	Women %
0	14.7	12.6
1	18.6	17.2
2	12.8	12.4
3	9.8	9.7
4	7.5	7.9
0-4	63.3	59.7
5-9	21.9	21.9
10-14	8.7	9.3
15-19	3.6	4.6
20-24	1.7	2.1
25-29	0.6	0.6
30 and over	0.2	0.3
Median	3.4	3.8

Source: Derived from Australian Bureau of Statistics (2002d).

Table 15.21 Percentage^a of offspring giving or receiving various forms of assistance, by parental family structure

Type of help (N)	Parents intact %	Parents divorced %	Widowed mother %	Widowed father %
Help given to parents				
Financial (1241)	15	22	19	17
Emotional (1270)	83	82	88	78
Around the house (1266)	60	54	76***	55
During illness (1259)	57	55	63	55
Practical help (1266)	40	45	55***	28
Help received from parents				
Any financial (1293)	68	60	67	64
Tertiary education (1228)	27	15**	23	16
Renovating (1217)	39	21***	32*	31
During illness (1219)	58	46**	53	44**
Minding children (967)	79	65**	77	81
Emotional (1233)	71	67	69	55**

Source: 1992 Family Formation Wave 2 (Rezac 2002).
^a Percentages are from Multiple Classification Analysis. Significance levels are based on Logistic Regression, and indicate if the group is significantly different from the intact group. The following variables were controlled for: parental age, mother's education, offspring gender, age, marital status, income, number of siblings, weekly hours worked, whether in college/university or not, have children living with respondent or not, born in Australia, and living with parents or not
 Significance levels: *p<.05; **p<.01; ***p<.001

Of those who do remarry following divorce the majority do so in less than 5 years after their divorce with the median being 3.4 years for men and 3.8 years for women (ABS 2002d). A third of men who remarry following divorce and 30 per cent of women, do so within two years of the divorce (Table 15.20).

How does divorce affect people in old age?

While relatively few older people divorce (p. 215-217), a divorce earlier in life can have lifelong implications and affect relationships with children and other family networks. Following divorce, almost a third of men lose contact with their children which, in later life, may mean that at least some of these men are without good support networks. Remarriage following divorce can further complicate kinship networks and produce considerable ambiguity about family obligations.

Using the Australian Institute of Family Studies Family Formation Study, Rezac (2002) has shown (Table 15.21) that:

- While adult children did not give any less help to their divorced parents than to their married parents, they did give more help to their widowed mothers than to their divorced parents (net of other factors).

- Adult children received less help from their divorced parents than from their intact parents or from their widowed mothers.

The Australian Institute of Family Studies, Later Life Families study, has shown that divorced parents enjoy a less involved and supportive relationship with their children in later life.

On all the indicators in Table 15.22, parents who had divorced appeared to have less supportive relationships with their adult children. Widowed parents had supportive ties with at least one adult child. Nearly all spoke to at least one adult child at least weekly, and obtained emotional and practical support from an adult child. Thirty per cent of widowed parents received some financial assistance from adult children. Widowed parents were involved with adult children to a similar extent to parents in an intact marriage.

Overall, divorce reduced the level of contact and help between adults and older parents. Millward has shown that parents who had not divorced were twice as likely as those who had divorced, to receive emotional support from an adult child and 1.7 times more likely to receive practical help (Millward 1997). Repartnering following divorce

Table 15.22 Relationship between parents' marital history and contact and help received from at least one adult child

	Speak to child at least weekly %	Emotional support %	Practical help %	Financial help %
Parent currently partnered				
Married or de facto, never divorced or separated	96*	87*	79**	19**
Remarried or repartnered after divorce or separation	78	63	61	4
Parent not partnered				
Widowed, never divorced	94**	87	83*	30
Divorced or separated, not repartnered	81	81	69	18

Source: Later Life Families Study. Adapted from Millward (1997).
 * Statistically significant difference between partnered groups on contact frequency
 ** Statistically significant difference between non-partnered groups on contact frequency

Table 15.23 Attitudes towards divorce (per cent agree)

	Gender			Age					
	All %	Male %	Female %	20-29 %	30-39 %	40-49 %	50-59 %	60-69 %	70+ %
Marriage is for life ¹	78	81	76*	80	75	72	78	84	84**
Disapprove of marrying thinking that divorce is an option if it does not work out ¹	87	86	89	88	89	86	86	91	86
It is too easy to get a divorce ¹	70	69	71	63	64	71	69	78	84***
If partner becomes mentally or physically disabled you should stay in marriage regardless ¹	44	48	39***	26	34	42	51	65	60***
Reject divorce even if all other solutions fail ¹	29	31	27*	36	35	29	26	20	17*
Should stay together for the children ¹	19	24	15***	11	13	18	23	25	37***
Marriage for life even if unhappy ¹	14	15	13	9	8	12	15	20	27***

Source: * p<.05; **p<.01; ***p<.001
¹ Australian Family Values Survey, 1995

increases these disruptive effects of divorce even further (Table 15.22).

What do Australians think about divorce?⁸

There is a certain inconsistency in the views people hold about divorce. Table 15.23 shows that there was a widespread view that marriage should be for life (78 per cent); that people should enter marriage without even entertaining the possibility of divorce (87 per cent); that marriage should be approached with the intention of it being permanent; and over two-thirds (70 per cent) believed that it is too easy to get a divorce. At the same time, the commitment to marriage was conditional on happiness and fulfilment, and there was agreement that since things can and do go wrong, divorce is acceptable under certain circumstances.

Only 14 per cent said that marriage should be for life if the couple is unhappy; only 29 per cent rejected divorce when a couple cannot work out their problems; and only 19 per cent believed that an unhappily married couple should stay together just for the sake of the children. Less than half (44 per cent) thought that, regardless of individual happiness, a marriage should remain intact if a partner becomes mentally or physically disabled.

Despite the different impacts of divorce for men and women, there were remarkably few gender differences in attitudes towards divorce. Men and women were at one in: rejecting the view that marriage is for life even if a couple is unhappy; believing that it is too easy to get a divorce; and thinking that it is

wrong to marry without the intention of it being a lifelong relationship.

Where men and women held different attitudes about divorce, men were more opposed to divorce. They were more likely to say that: marriage is for life (81 per cent men compared with 76 per cent women); an unhappily married couple should stay together for the sake of the children (24 per cent men compared to 15 per cent women); and if a partner becomes mentally or physically disabled that the other person should remain in a marriage regardless of their own happiness (48 per cent men compared with 39 per cent women).

Young women in particular were especially unlikely (only 18 per cent) to accept this “in sickness and in health” view of marriage.

Age made virtually no difference to people’s views about the ideal of marriage being a lifelong commitment. Young and old alike believed that marriage should be for life and should be approached with the intention of it being so.

However, there was a generation gap regarding the circumstances in which people would entertain ending a marriage (Table 15.23). Older people were much more likely than younger people to say that: it is too easy to divorce; the “in sickness and in health, for better or for worse” view of marriage is appropriate; marriage is for life even if a couple is unhappy; and a couple should stay together “for the sake of the children”.

Endnotes

- 1 The 2001 divorce rates expressed per 1000 married women were not provided in the most recent divorce statistics.
- 2 The nuptiality table used by the Australian Bureau of Statistics is calculated in the same way as a life table. Calculations assume that current age patterns of mortality, marriage, divorce, widowhood, and remarriage are constant over a person’s lifetime. The ABS nuptiality table is a net table in which all the above components are taken into account in arriving at estimates. For further descriptions of this method see ABS (2001e). The nuptiality table approach to calculating divorce rates is regarded as the better approach.
- 3 The rates for women are virtually identical with differences of about 0.1 in a couple of years.
- 4 Age-specific divorce rates are not available for 2001.
- 5 Percentages have been computed by excluding the never married and widowed. This adjusts for the different risks of divorce in the various groups.
- 6 Much of the material in this section is based on an article by de Vaus, Qu and Weston (2003).
- 7 It should be noted that the men and women in this study were independent samples. That is, they were not married to each other.
- 8 This discussion is based on de Vaus (1997).

Highlights

- Estimates of the divorce rate vary depending on the method of estimation but indicate that between around 32 per cent and 46 per cent of marriages will end in divorce.
- While the number of divorces is much higher following the introduction of the Family Law Act in 1975, the divorce *rate* since the mid 1980s has been fairly stable.
- It is likely that the increase in cohabiting relationships is masking the extent of increase in relationship breakdown.
- Of the population aged 15 or over in 2001, 7.4 per cent were divorced. This is a large increase on the figure of 2 per cent in 1976.
- At any given time more women than men are divorced.
- Relative to many overseas countries, Australia's divorce rate is high but remains considerably lower than that of the United States.
- People who marry in their teens or early twenties are much more likely to divorce than those who marry in their late twenties or later.
- The age at which people are divorcing is increasing. This is due to later marriage and an increase in marriage duration before divorce.
- Men and women are at the greatest risk of divorce when in their late twenties and their thirties.
- Of those who divorce, the average time until final separation was 8.3 years in 2001 and 11.8 years before the divorce is finalised.
- The first four years are the riskiest for marriages. A third of all couples who divorce have arrived at their final separation within the first four years of their marriage.
- Living together before marrying is associated with an enhanced risk of subsequent marriage breakdown. However, this enhanced risk is not due to premarital cohabitation but to the characteristics of those who cohabit.
- Second and subsequent marriages following divorce have a slightly greater risk of breakdown than first marriages.
- Women are more likely than men to initiate divorce and to end the marriage.
- Almost a million children have a natural parent living elsewhere.
- Each year over 50,000 children under the age of 18 have their parents divorce.
- However a smaller proportion of divorces now involve children under the age of 18. In 1971, 67 per cent of divorces involved children while in 2001 only 51 per cent involved children.
- Of divorcing families involving children under the age of 18 over a quarter involve children aged 0 to 4 years old.
- Of children who are born into an intact family 8.5 per cent have experienced their parent's final separation by the age of five; 19 per cent have experienced this by the age of 12; and 26.6 per cent have experienced parental separation by the age of 18.
- Spousal support following divorce is "rare, minimal and brief".
- Following divorce, wives tend to get a larger share of the basic assets of the marriage but men tended to receive a larger share of the non basic assets (for example, superannuation, insurance).
- Despite fair levels of dissatisfaction with emotional and personal lives, women seemed to be happier than men following their divorce.
- The large majority of parents were happy with their child's wellbeing following divorce – mothers were even more satisfied than fathers with their child's wellbeing
- Women appear to have fewer doubts than men about their separation.
- Divorced men and women have higher rates of mental disorders than married men and women but similar levels to those who had never married.
- Divorce leads to some reduction of help and support between adults and their divorced parents – especially with fathers and especially if their parents had repartnered.
- There is widespread support for the view that marriage should be approached with the intention that it should be for life, but that divorce was a perfectly acceptable solution if the marriage did not work.
- Although the large majority of Australians think that it is too easy to get a divorce, very few subscribe to the view that people should stay together if the marriage is unhappy.