

FACT SHEET – PROPERTY DOCUMENT EXCHANGE PRIOR TO THE FIRST COURT DATE AND THE CONCILIATION CONFERENCE

Exchange of Document Before the First Court Date

Family Law Rules 2004

Rule 12.02 - Property Case -- exchange of documents before first court date

At least two (2) days before the first court date in a property case, each party must, as far as practicable, serve the other party with a copy of the following documents:-

- (a) Three (3) of the most recent taxation returns and taxation assessments;
- (b) Information about any superannuation interest held by the party, if any, including completed superannuation information form for the superannuation interest and if the party is a member of a self-managed superannuation fund, a copy of the trust deed and the three (3) most recent financial statements for the self-managed superannuation fund.
- (c) For a corporation, trust or partnership:-
 - (i) The three (3) most recent financial statements (including balance sheets, profit and loss statements, depreciation schedules and taxation returns);
 - (ii) BAS (Business Activity Statements) for the twelve (12) months ending immediately before the first court date;
 - (iii) If a corporation, the most recent annual return that states the directors and shareholders together with the corporation's constitution;
 - (iv) If a trust, the trust deed; and
 - (v) If a partnership, the partnership agreement.
- (d) If the value of an item of property is in dispute, a market appraisal or an opinion as to the value of the property.

Exchange of Document of Before the Conciliation Conference

Family Law Rules 2004



Rule 12.02 - Property Case -- exchange of documents before first court date

If the parties are required to attend a conciliation conference which has been ordered by the Court, the parties must as far as practicable within twenty-eight (28) days of the case assessment conference serve the other party with the following:-

- (a) If not already exchanged, a copy of all the documentation mentioned in rule 12.02 (*see above*); and
- (b) Any other documents ordered at the case assessment conference to be exchanged.

Duty of Disclosure

Family Law Rules 2004

13.01 General Duty of Disclosure

1. Each party has a duty to the court and to each other party to make full and frank disclosure of all information relevant to the case, in a timely manner.

The duty of disclosure starts with the pre-action procedure for a case and continues until the case is finalised.

Disclaimer

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