



## The new PPP500 scheme to speed up family law property settlements

**Date: Monday April 13, 2020**

A new pilot program for family law matters, known as [Priority Property Pool under \\$500,000 \(PPP500 cases\)](#), commenced on 1 March 2020. As we are all aware from mainstream media, the delays in family law cases are lengthy. This program was implemented with a view to expediting certain property cases.

From 1 March 2020, if your case fits the requirements of a PPP500 case, you will be eligible to participate in this streamlined process.

### What is the purpose of the Priority Property Pool under \$500,000 program?

The purpose of this program is to achieve a just, efficient and timely resolution of eligible property settlement cases at a cost to the parties that is reasonable and proportionate in the circumstances of the case.

This will be achieved by the courts and solicitors identifying and narrowing the issues in dispute for the parties.

The parties will then most certainly have to participate in an Alternative Dispute Resolution (ADR) process if it is safe to do so. ADR can include legal aid conferencing, family relationship centres, [private mediation](#), conciliation conference or even arbitration.

### What are the requirements for my case to be considered a PPP500 case?

The requirement for your case to be considered a Priority Property Pool under \$500,000 case is as follows:

Your application for alteration of property interests must be filed in the Brisbane, Parramatta, Adelaide or Melbourne registries of the Federal Circuit Court of Australia after 1 March 2020 and you should meet the following conditions:

- The net property pool of the parties including superannuation is or likely to be \$500,0000 or less; and
- there are no entities such as family trusts, companies, self-managed super funds that might require expert investigation or valuation; and
- neither party in the proceedings is [seeking orders for parenting, child support or enforcement orders](#).

To be clear, cases which involve parenting, parenting and financial, child support, child maintenance, contravention applications and enforcement applications are **not** PPP500 cases.

## Important information if seeking parenting orders

If you are planning to seek parenting orders but would also like to enter the PPP500 scheme, you need to file your parenting application separately to the court **after** your property application is finalised.

Alternatively, if you are not wanting your matter to be a PPP500 case, you might consider filing both parenting and financial applications at the same time.

## What are the benefits of the PPP500 program?

There are numerous benefits to this pilot program. Whilst there is an emphasis on intensive case monitoring for compliance of documents and valuations, there are also many other benefits.

- Reduced delays in getting financial cases through to ADR.
- Expanded opportunities for parties to discuss and take ownership of their dispute resolution planning at an early stage.
- Opportunities for settlement at an early stage and in a timely manner.
- Improved dispute resolution outcomes through close involvement in the preparation and case management of the case before ADR takes place.
- Where possible, unnecessary court appearances are eliminated and the number of court attendances reduced.
- Referral to appropriate services is made proactively.

It is, however, still too early to determine what these benefits will have on the parties considering the limited registries in which this pilot program is rolling out to.

## The procedure for PPP500 cases

There are several changes to the procedure for PPP500 compared to the standard financial cases.

1. To commence proceedings under the PPP500 program, Applicants are just required to file an Initiating Application and a PPP500 Financial Summary. Rather than an Affidavit and Financial Statement in standard financial cases. The Court may direct you to file an Affidavit and Financial Statement at a later date.
2. Before the first court date, preliminary orders will be made by the Registrar. These orders will include the requirement for service to be affected on the other party and responses filed in a timely manner.
3. After reviewing the application, the Registrar will make orders for valuations, disclosure and other directions necessary and appropriate for the case. This is vastly different from normal property cases where directions for disclosure and valuations only occur after the first court date.
4. The first court date will be before a Registrar who will assist the parties in finalising the balance sheet and moving the case forward to ADR if it has not yet settled. At this time the court will expect the directions/orders for valuations and/or disclosure has been complied with and if not, costs may follow as a result.
5. On the second court date, if the matter has still not resolved, the Registrar will review the balance sheet and discuss with the parties and/or their legal representatives, the merits of their respective cases. The Registrar will prepare a set of agreed facts so that an order can be made for the case to be transferred to a Judge for management.
6. If the matter is not settled, it will proceed to a Judge-led phase where the Judge will hear the matter on the papers or a less adversarial trial by consent. Hearing a matter on papers is a process where your matter will be decided based on the evidence contained in the documents '*papers*' submitted to the court. The less adversarial trial process is a less formal and more inclusive hearing.

## In summary

It is clear from the process above, that the PPP500 scheme's cases are managed to a significant degree by the courts. It is hoped that this will enable the parties to reach a quick and cost-effective resolution to their financial obligations with each other.

## Hall Payne no longer provides services in family law

If you require assistance with your family law matter, we recommend you contact the relevant Law Society in your State or Territory for a referral:

• **Queensland:** [1300 367 757](tel:1300367757)

• **NSW:** [02 9926 0333](tel:0299260333)

• **Victoria:** [03 9607 9311](tel:0396079311)

• **Tasmania:** [03 6234 4133](tel:0362344133)

• **South Australia:** [08 8229 0200](tel:0882290200)

• **Western Australia:** [08 9324 8600](tel:0893248600)

• **Northern Territory:** [08 8981 5104](tel:0889815104)

•ACT: [02 6274 0300](#)

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