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LawTalk Blog



The Priority Property Pool list in the Federal Circuit Court – A new way to litigate?

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Traditionally, family law property law matters have taken the same pathway – negotiations are initially had between the parties and their solicitors with the hope to reach a resolution, but if they are unable to, proceedings need to be brought in the Federal Circuit Court of Family Court of Australia to finalise their outstanding matters.

This process has worked for most people – but litigation can be costly and time consuming, particularly due to the already overworked and underfunded family law courts.

On 7 February 2020, His Honour Justice William Alstergren introduced a new way to litigate financial cases to the Federal Circuit Court registries in Brisbane, Parramatta, Melbourne and Adelaide called the **Priority Property Pool under \$500,000 Case List (PPP500 List)**.

The PPP500 List has been introduced to streamline property settlement matters for parties who have to interact with the family law courts. So, what's is all about?

What is the purpose of the PPP500 List?

The Court has described the purpose of the PPP500 List as follows:

- To achieve a just, efficient and timely resolution of cases, at a cost to the parties that is reasonable and proportionate to the circumstances of the case.

- The purpose will be achieved by identifying and narrowing the issues in dispute and assisting the parties to undertake Alternative Dispute Resolution at the earliest opportunity and where that is unsuccessful, providing an opportunity for a less adversarial trial or a hearing on the papers.

What are the requirements for the PPP500 List?

Not all matters are eligible to be put in the PPP500 List – you must meet the following requirements:

- The Initiating Application must be filed in the Brisbane, Parramatta, Melbourne or Adelaide registries **after 1 March 2020** and must invoke the jurisdiction of the Federal Circuit Court arising out of a matrimonial cause or de-facto financial cause pursuant to the *Family Law Act*.
- The value of the net property of the parties (including superannuation interests) is (or appears to be) **under \$500,000**.
- There are **no entities** (such as a family trust, company, or self-managed superannuation fund) owned or in the effective control of either party that might require valuation or expert investigation; or
- The Court makes a declaration or notation that the case should be designated as a PPP500 case.

Parenting cases (including where parenting and financial orders are sought together), Child Support cases, child maintenance cases, contravention applications and enforcement applications are **not eligible for the PPP500 list**.

What is the PPP500 case list process?

Unlike the process of initiating traditional Federal Circuit Court proceedings where you have to file an Initiating Application, Affidavit and Financial Statement, the entry into the PPP500 is a much more streamlined process.

Generally speaking, the PPP500 List proceeds as follows:

1. The Applicant files an Initiating Application and Financial Summary form (a specialised form to the PPP500 List which is a mix between an Affidavit and Financial Statement) to seek financial orders.
2. Once the Application is filed, the matter is listed before a Registrar of the Federal Circuit Court who considers the matter and makes procedural orders in Chambers (without the need for the parties to attend Court) before the first hearing.

3. After the Registrar makes the procedural orders, the Applicant serves a copy of their Application and the Registrar's orders to the Respondent within 7 days.
4. The Respondent then needs to file a Response and Financial Summary within 28 days of being served.
5. Before the first court date, all parties need to comply with the Registrar's orders (usually mutual disclosure and valuations if required) and if a splitting order is sought, a copy of the proposed orders must be sent to the Trustee of the superannuation fund.
6. The parties then will then attend a Conciliation Conference with the Registrar to try and settle their matter without further litigation.
7. If there is no resolution, the matter can be listed for a Trial or hearing on the papers.

If parties do not comply with the Registrar's orders, costs orders may be made. There is also typically no intervention by a Judge unless the matter needs to be referred for argument or other issues that the Registrar does not have power to deal with.

Whilst the PPP500 List is still a new process, it is proving effective in assisting parties through the court process in a more cost and time effective manner.

Our [Family Law](#) Team at Andersons Solicitors have already had experience in running matters in the PPP500 List and can assist you through this process as an alternative option to traditional litigation - [contact us](#) today.

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