

Duty of Disclosure in Property Settlement matters



What is disclosure?

Disclosure is the act of sharing information with the other person in the dispute.

What do I need to share?

The general rule is that you must make full and frank disclosure of all information that is relevant to the dispute, and you must do it without unnecessary delay. Frank disclosure means you must share all relevant information directly and honestly. Generally, all financial information is likely to be relevant in property proceedings and must be disclosed to the other party.

What documents are relevant to the dispute?

You must provide a full breakdown of your assets, income, and liabilities. Income includes wages, interest, dividends, and rent received. Assets include anything that you own with another person (e.g. your current partner, a child or other family member) and anything you hold indirectly (e.g. through a trust or company).

You must also provide a list of all documents relevant to the dispute that are (or were) in your possession or control. Depending on your personal circumstances and type of dispute, relevant documents can include:

- personal and business tax returns or assessments
- personal and business bank statements
- payslips
- superannuation details including a Superannuation Information Form, the trust deed and the last three financial statements of any self-managed superannuation fund, and the value of your superannuation interest
- details of any interest you have in a business (e.g. business activity statements, financial statements, tax returns, company returns, trust deeds and partnership agreements)
- evidence of any assets sold or disposed of near the end of the relationship
- documents relating to inheritances

What if my circumstances change after I provide the list?

Until court orders have been finalised and the proceedings have ended, you must continue to disclose all relevant information. If your circumstances change (for example, you gain an asset or receive a pay rise) you must disclose this information and send it to the other person in the dispute. Disclosure should reflect the parties current positions, regardless of how much time has passed since separation.

Where to get Legal Advice?

BCLS provides FREE legal information, referrals, advice and assistance about property settlement matters. To access our service see our contact details below.

Bayside Community Legal Service acknowledges the traditional owners of the lands across Queensland, and in particular the Quandamooka peoples, the traditional owners of this land where our Bayside community is situated. We pay our respect to elders past, present and emerging.



Contact Bayside Community Legal Service

Website: www.bcls.org.au

Email: info@bcls.org.au

Phone: (07) 3162 3282

Office Hours: 8:30am to 4:30pm Monday to Thursday

Address: Wynnum Community Centre, 105 Florence Street,
Wynnum QLD 4178
PO Box 103, Wynnum QLD 4178