



## Family Court of Western Australia

# PRIORITY PROPERTY POOLS UNDER \$500,000 (PPP500)

## Practice Direction (No. 1 of 2023)

### 1. INTRODUCTION

1.1 This Practice Direction applies to all proceedings that are defined as a Priority Property Pool under \$500,000 (**PPP500**) case.

1.2 It is to be read together with:

- (a) the *Family Law Act 1975* (Cth) / the *Family Court Act 1997* (WA);
- (b) the *Family Court Rules 2021*(WA) (**the Rules**), where applicable;

and

- (c) the Guide for lawyers and parties in PPP500 cases.

1.3 This Practice Direction applies to all proceedings commenced after 1 October 2023. This Practice Direction will also apply to all proceedings commenced prior to 1 October 2023, unless unfair or impractical to do so.

### 2. PURPOSE

2.1 The purpose of this Practice Direction is to achieve a just, efficient, and timely resolution of PPP500 cases, at a reasonable and proportionate cost to the parties in all the circumstances.

2.2 The purpose will be achieved by identifying and narrowing the issues in dispute and assisting the parties to undertake:

- (a) Dispute Resolution at the earliest opportunity; and
- (b) where Dispute Resolution is unsuccessful, providing an opportunity for an expedited hearing.

### **3. REQUIREMENTS FOR A PPP500 CASE**

3.1 A PPP500 case is defined as a property proceeding where:

- (a) the net value of the property of the parties (excluding superannuation interests) is, or appears to be, under \$500,000; and
- (b) 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, and there are otherwise no elements of complexity involved in the case; or
- (c) the Court makes a declaration or notation that the proceeding is designated as a PPP500 case.

3.2 The following are not PPP500 cases:

- (a) proceedings where parenting orders are sought;
- (b) proceedings where both parenting and financial (property and/or spousal maintenance or other financial) orders are sought;
- (c) child support cases;
- (d) child maintenance cases;
- (e) contravention or enforcement applications; and
- (f) where the Court makes a declaration or notation that the proceeding is no longer designated as a PPP500 case.

3.3 Each prospective party to the proceeding is expected to comply with the pre-action procedures in Schedule 1 of the Rules unless an exception in paragraph 1(4) applies. Those pre-action procedures require parties to make a genuine effort to resolve the dispute before proceedings are instituted.

## 4. COMMENCING A PPP500 CASE


- 4.1 The *Financial Statement (PPP500)*, the *Case Information Affidavit (PPP500)* and the *Conciliation Conference Particulars (PPP500)* are approved forms for use in PPP500 cases under Rule 486 and Case Management Guideline 79.
- 4.2 A party seeking financial orders where the net property of the parties, excluding superannuation interests is, or appears to be, under \$500,000 may commence proceedings by filing:
- (a) a *Form 1 Initiating Application*;
  - (b) a *Financial Statement (PPP500)*; and
  - (c) a *Case Information Affidavit (PPP500)*.
- 4.3 Irrespective of whether the proceeding is identified as a PPP500 case at the time of filing, the Court may designate the case as a PPP500 case at any time, including before a *Form 1A Response to Initiating Application* has been filed.
- 4.4 Where the Court designates a PPP500 case after proceedings commence, the Court may make the following orders before the first Court date:
- (a) for the parties to file a *Financial Statement (PPP500)* and / or a *Case Information Affidavit (PPP500)*;
  - (b) for the provision of financial documents; and
  - (c) procedural orders and directions for the management of the PPP500 case.

## 5. FURTHER INFORMATION

- 5.1 For further information about PPP500 cases, including the Guide for lawyers and parties in PPP500 cases, parties should refer to the Court's website at [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au).



The Honourable Justice Sutherland, Chief Judge  
Family Court of Western Australia



Principal Registrar Forrest  
Family Court of Western Australia

Dated: 22 September 2023