

# Property Mediation Guide

Supporting families to move forward with clarity and care



**FAMILY FIRST**

MEDIATION AND DISPUTE RESOLUTION

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## Welcome

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When a relationship ends, dividing assets and liabilities can feel overwhelming.

Property mediation provides a structured, court-aligned process that allows you to resolve financial matters respectfully and efficiently.

We guide you through the same framework a Court would apply – without the delay and cost of litigation.

## What is Property Mediation?

Property mediation helps separated partners resolve:

- Division of assets
- Allocation of liabilities
- Superannuation splitting
- Business interests
- Trusts and third-party interests
- Financial settlements

## The Legal Framework

The Court considers four broad steps:

1. Identify the property pool
2. Assess contributions
3. Consider current and future circumstances
4. Determine a just and equitable outcome

Our mediation process follows this structure.

## [Step 1 – Identify the Property Pool](#)

All assets and liabilities must be disclosed.

Assets may include:

- Real estate
- Vehicles
- Superannuation
- Businesses
- Shares
- Savings
- Trust interests
- Assets acquired after separation

Liabilities may include:

- Mortgages
- Credit cards
- Tax debts
- Loans
- HECS/HELP
- Capital gains tax

Full and frank disclosure is required under the Family Law Act.

Failure to disclose may result in serious legal consequences.

## [Step 2 – Contributions](#)

Contributions include:

Financial:

- Income
- Inheritances
- Gifts
- Redundancies
- Business income

Non-financial:

- Renovations
- Bookkeeping
- Homemaking
- Care for children

Initial contributions and post-separation contributions are also considered.

## [Step 3 – Current and Future Circumstances](#)

The law recognises that fairness may require adjustments based on:

- Income disparity
- Health
- Age
- Care of children
- Earning capacity
- Financial resources

Recent amendments also require consideration of the economic impact of family violence where relevant and supported by evidence.

### [Step 4 – Reaching Agreement](#)

During mediation:

- An interactive balance sheet may be used
- Proposals are tabled
- Options are explored
- Heads of Agreement are drafted

Agreements reached in mediation are not legally binding unless formalised through Consent Orders prepared by a lawyer.

## Suitability and Intake

Before property mediation:

- Each party attends a confidential intake by telephone (1-1.5 hours)
- Suitability is assessed
- Disclosure expectations are clarified

If mediation is not suitable, you will be advised accordingly.

## Legal and Financial Advice

Property mediation is most effective when parties obtain:

- Independent legal advice
- Independent financial advice

Your mediator cannot give legal or financial advice but can provide referrals.

## Safety and Process Options

Where appropriate:

- Shuttle mediation may be offered
- Legally assisted mediation may be required

- Additional sessions may be scheduled

## Fees

Intake Appointment:

\$330 + GST per person

Half Day Parenting Mediation (3 hours):

\$850 + GST per person

Half Day Shuttle Mediation (4 hours):

\$1180 + GST per person

Full Day Mediation (7 hours):

\$1500 + GST per person

Invoices are due upon receipt to secure the mediation date.

## Feedback and Complaints

At **Family First Mediation and Dispute Resolution**, we are committed to maintaining the highest professional standards.

Our Principal Mediator, **Tara Weir**, is a professional member of the Mediation Institute and a Registered FDRP with the Attorney General's Department and adheres to their respective Codes of Practice and professional standards.

We welcome all feedback — positive or constructive — as it assists us in continually improving our service.

If you wish to provide feedback regarding Tara's services, you may do so directly through the Mediation Institute at: [www.mediationinstitute.edu.au](http://www.mediationinstitute.edu.au)

From time to time, you may receive an automated SMS or email inviting you to leave a Google review of your experience. Participation is entirely voluntary. Your feedback is genuinely valued and may assist other families in selecting a reputable and professional mediation service.

## Next Steps

1. Schedule intake appointment.
2. Invitation sent to other party.
3. Suitability decision.
4. Preparation/disclosure.
5. Mediation session.

# Is Mediation Right for Us?

## A Self-Assessment: Why Should I Attempt Mediation?

Mediation works best when parties are prepared to engage constructively — even if emotions are still high.

Take a moment to reflect on the following statements.

### Part 1 – My Mindset

- I would prefer to resolve this without going to Court.
- I want to reduce stress, cost and delay.
- I am willing to listen, even if I disagree.
- I understand that compromise may be necessary.
- I am prepared to focus on future solutions rather than past grievances.
- I am open to considering options I may not have thought about.

### Part 2 – Parenting Matters (if applicable)

- I want decisions to prioritise my child/ren's wellbeing.
- I am willing to consider what arrangement is best for my child — not just what feels fair to me.
- I understand that children benefit from reduced parental conflict.
- I am prepared to improve communication, even gradually.
- I want a structured process to help us move forward
- I would prefer to negotiate rather than have a Judge decide.

### Part 3 – Property Matters (if applicable)

- I am prepared to provide full and frank financial disclosure.
- I understand the Court considers contributions and future circumstances.
- I would prefer to negotiate rather than have a Judge decide.
- I am willing to seek independent legal or financial advice if needed.
- I want clarity and finality without prolonged litigation.

### Part 4 – Practical Considerations

- I feel safe participating in a structured mediation process facilitated by an experienced family law mediator
- I understand mediation does not require agreement on everything immediately.
- I am willing to make a genuine effort to resolve the dispute.

## Reflective Questions

- What would be different for me if this were resolved calmly?
- What impact is ongoing conflict having on my children (if applicable)?

- What are the financial and emotional costs of not attempting mediation?
- If this matter went to Court, am I prepared for the time, cost and uncertainty involved?

## How to Interpret Your Responses

If you answered “yes” to most of the statements above, mediation may be a constructive pathway for you.

If you are unsure about safety, disclosure, or readiness to negotiate, these concerns can be discussed confidentially during intake with the mediator.

***Mediation does not require perfect agreement – it requires willingness to attempt resolution.***