

Property Mediation



As a Mediator, I am an independent third party. It is my role to help you discuss and resolve the issues in dispute. I do not give legal advice or make decisions for anyone.

All parties will get the opportunity to express their views and are free to talk about issues of concern. The conference is confidential so everyone can speak freely. However, information that indicates a risk to a person or a child's safety, intentional damage to property, or the commission of a crime must be disclosed to the relevant authorities.

Parties must be willing to listen to each other, be genuinely ready to compromise and committed to reaching a solution. Everyone must also be prepared to follow the process. Time will be made for you to meet privately with me and to take a break if you need one.

The time, location and format of the mediation (including whether it will be a shuttle or face-to-face mediation) will be determined by me, in consultation with the parties, to ensure that it is safe and so all parties can fully participate.

You should allow 4 hours for the mediation session, unless a shorter or longer session is agreed.

What will happen at mediation?

The mediation process involves:

- each party explaining why they are attending mediation and what they want to discuss
- talking about the property pool (assets, debts and superannuation) and the value of those items
- talking about each party's contributions to the property pool and the welfare of the family
- talking about each party's current and future circumstances
- talking about the division of the property pool
- speaking respectfully and listening to each other's views without interrupting
- sharing relevant information
- exploring ideas and options
- testing possible solutions
- putting decisions and agreements in writing.

What property issues should we discuss?

The aim of a property settlement is to bring an end to the financial relationship between a separated couple (as much as possible), which involves dividing their property (assets, debts and superannuation) and discussing related financial issues.

Some things that might be helpful to discuss at mediation are:

- What is in the property pool and what is it worth?
- What contributions did each party make?
- What are each party's current and future circumstances?
- What would be a fair property split?
- Do any assets need to be sold?
- Do any debts need to be refinanced?
- How will we divide our furniture, contents and sentimental items?
- Should we split superannuation?
- Who pays for what in the meantime (mortgage, rates, loan repayments, etc)?
- Spouse maintenance.
- Child support.

Do I need legal advice?

Yes! Legal advice will help you prepare for mediation and give you a better understanding of your rights, obligations and options in your circumstances.

Find a private lawyer

Queensland Law Society > [Click here](#)

Find free legal advice

Community Legal Services > [Click here](#)

Access Legal Aid (if eligible) > [Click here](#)

What legal advice do I need?

Ask your lawyer about:

- Time limits to apply for property division or spouse maintenance orders.
- Process of property division.
- Assets, liabilities, superannuation and financial resources which should be included.
- Duty of disclosure of financial information.
- Valuation of assets.
- Contributions to the acquisition, conservation or improvement of assets or to the welfare of the family.
- Adjustments for “future needs” factors.
- Windfalls, gifts, inheritances or family loans.
- The percentage range of your property settlement entitlements.
- Spouse maintenance.
- Options you are considering.
- Child support and children’s expenses.
- Types of agreements – Consent Orders, Binding Financial Agreements, Child Support Agreements.
- What happens if there is no agreement?
- Court process and costs.
- Family violence and family violence orders.



What else should I do before mediation?

Some further information which could help you prepare for the mediation:

Because It's for the Kids

Brochure about the effects of parental conflict on children’s development, and on managing post-separation relationships. > [Click here](#)

Child Support – Services Australia

Parent’s guide to child support, estimate calculator, application forms > [Click here](#)

To prepare for mediation you might also need other advice about your property and financial situation and what settlement options are realistic:

Financial Planner > [Click here](#)

Your Bank

(capacity to refinance debts).

Your Accountant

Capital gains tax, companies, trusts.

Real Estate Agents

If you need to sell a property.

Child Support – Services Australia

Parent’s guide to child support, estimate calculator, application forms > [Click here](#)