



Family Dispute Resolution at Legal Aid WA: Property

Legal Aid WA's Family Dispute Resolution service can help you and your ex-partner to divide your property and finances after separation.

We assess whether your case is suitable for Family Dispute Resolution (FDR) and, if it is, we use qualified mediators to conduct the conference. All participants have lawyers to represent them during the conference.

The lawyer's role is to give you family law advice, help you prepare for the conference, attend the conference with you, and help write out any agreements reached.

FAQs

Who is eligible to attend FDR?

To be eligible for FDR at Legal Aid WA at least one of the parties must qualify for a grant of aid, based on their financial circumstances.

How much does it cost?

There is no fixed fee to attend FDR at Legal Aid WA. If a person does not have a lawyer, they can have one appointed by Legal Aid WA if eligible, and we may require a financial contribution towards the cost of the conference, depending on people's financial circumstances.

If one person already has a lawyer, they can use their lawyer for FDR and pay their lawyer's fees privately.

What matters are eligible for FDR?

Matters where one person qualifies for a grant of aid, and the total net property to be divided is less than \$800,000 (excluding superannuation) are usually eligible.

An assessor will talk to each person separately to decide whether the program is suitable for their situation, taking into account family violence and safety concerns.

What matters are not eligible for FDR?

The following matters are not eligible for FDR:

- Where the total net property to be divided exceeds \$800,000 (excluding superannuation).
- Where there are complex business structures such as companies, partnerships or trusts (note: sole traders are eligible).
- Where the only property in dispute is overseas or in another state or territory.
- Where there is a Family Violence Restraining Order or protective bail conditions that do not allow the parties to attend mediation.

If you are unsure whether your matter is eligible, it is best to contact Legal Aid WA to explain your situation.

How can I be referred for FDR?

People can be referred to our service by:

- Calling Infoline or Legal Yarn (for First Nations callers) or attending our offices (self-referral).
- Speaking to a lawyer from Legal Aid WA or a community legal centre.
- The Family Court of WA.
- An Independent Children's Lawyer (ICL), if you are in court already, and there is an ICL appointed in your case.

Can I attend a Legal Aid WA FDR if I live regionally?

If you live in a regional or remote location, Legal Aid WA can arrange for you and your lawyer to attend FDR by video or telephone link. Some conferences can be conducted in person at Legal Aid WA's regional offices.

What happens before FDR?

You will meet with your lawyer before FDR to discuss your matter and receive legal advice. Prior to the FDR, lawyers will help the parties exchange their financial documents with each other, so you both know what property there is to divide and its value. This is known as disclosure.

If disclosure of relevant financial documents has not occurred, it is likely that the FDR will not be scheduled. You may wish to get legal advice about how to proceed in this situation.

What happens during FDR?

The mediator helps the parties talk about how to divide their property.

Depending on safety concerns, the parties can be in the same room or separate rooms.

The mediator keeps the conversation respectful and focused on resolution.

All discussions are confidential and cannot be used by either person in court.

You can ask for a break or ask to stop the conference at any time.

FDR is a completely voluntary process, and you cannot be forced to agree to anything you don't want to.

What are the benefits of FDR?

Reaching an agreement with each other allows parties to make their own decisions, reduces financial and emotional costs and improves communication and your abilities to resolve disputes in the future.

What happens after FDR?

If there is an agreement, the parties can decide whether to file consent orders in court. The lawyers can help draft the consent orders and explain what they mean. The mediator also makes recommendations about further Legal Aid funding.

If there is no agreement, the next step may be getting legal advice about going to court.

Get Help

To find out more about participating in Legal Aid WA's Family Dispute Resolution service, you can call the Infoline or Legal Yarn (for First Nations callers).

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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