



PROPERTY: DISCLOSURE

Disclosing information about property and finances is an important part of working out how property will be divided following separation.

What is disclosure?

When the law talks about 'disclosure' this means giving or sharing information about property and finances, including debts that are owed.

What is the duty of disclosure?

When you are going through a property settlement the law says you and your ex-partner must give each other information about your property and finances. This legal requirement is known as the "duty of disclosure".

What information do you have to disclose?

You must both give each other documents that you have in your possession and documents you are able to obtain.

For example, if your ex-partner asks for bank statements which you do not have you will need to get these from the bank.

When does the duty of disclosure start?

The duty of disclosure starts when you and your ex-partner first start negotiating about how property will be divided.

How long does the duty of disclosure last?

The duty to give each other information about finances is ongoing. This means that you and your ex-partner must keep giving each other the most up to date information you have about finances. You need to give updated information if your ex-partner asks for it, or if there are significant changes to your finances.

Some examples of significant changes to finances include:

- buying or selling real estate,
- buying or selling motor vehicles, or
- getting a new credit card or loan.

The duty to keep providing updated information about finances doesn't end until you reach an agreement about how property will be divided or until your court case about property ends.

If your case goes to court, it is a good idea to provide (or request) updated disclosure before each court date. This will help when trying to reach an agreement because everyone has up-to-date information and it will also help the court keep moving your case forward.

What happens if someone fails to provide disclosure?

There are serious penalties if someone fails to disclose information about their property and finances when going through a property settlement.

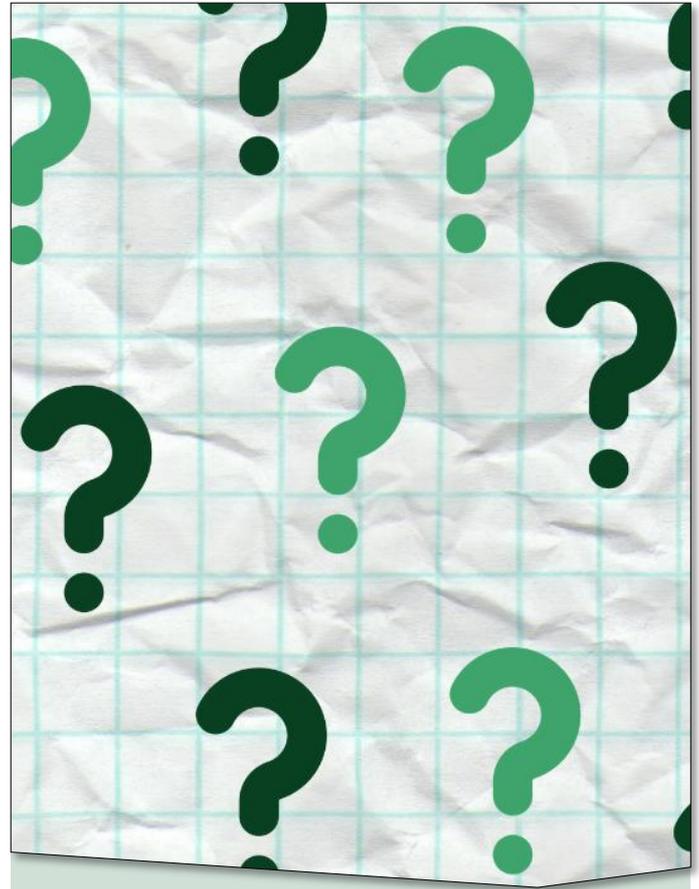
The court can impose a range of penalties such as:

- a fine
- ordering you to pay your ex-partner's legal costs
- stopping the court case until the information is provided
- refusing to hear your case
- not letting you use information or a document as evidence in your case
- assuming you are in a better financial position than you actually are and giving your ex-partner more property, and
- in very serious cases, imprisonment.

What happens if there are already property orders but someone failed to disclose information about their finances?

If there are already property orders, but your ex-partner failed to disclose information about their finances when you were working out the property settlement, in some cases the court may set aside the orders and make new orders. You should get legal advice about this situation as it is complex.

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How can Legal Aid WA help?

[amica](#)

[amica](#) is a secure online tool that helps separating couples reach amicable agreements about parenting and property.

[amica](#) guides people through a step-by-step process and offers information and support along the way to help them reach agreement about parenting issues and property settlement.

[Legal Aid WA Website](#)

You can also find a range of information, videos and fact sheets about dividing property and finances on the Legal Aid WA [website](#).

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