



Family Court Hearings - the Priority Property Pool (PPP) List

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When proceedings are initiated in the Federal Circuit and Family Court of Australia ("the Court"), certain matters may be eligible for or be allocated to specialist lists. For example, in a property matter where the net asset pool is modest, the matter may be allocated to the PPP List. In a parenting matter where there are significant risk factors (such as family violence, child abuse, mental health issues and or/substance abuse issues), the matter may be allocated to the Evatt List.

In this article, we will be discussing the PPP List. The Court's website has several helpful resources regarding this list:

- [1. Family Law Practice Directions – Priority Property Pool Cases](#)
- [2. Guide for Practitioners and Parties in Priority Property Pool Cases \(PPP Cases\)](#)
- [3. Priority Property Pool Cases – Preparing for the First Court Date](#)

What is the Priority Property Pool List?

The aim of the PPP List is to provide a simplified way of resolving property disputes with the intention of minimising risk and legal costs.

There are some eligibility criteria for a matter to be allocated to the PPP List:

1. It must be commenced by way of an Initiating Application (Family Law) *; and
2. The Initiating Application must only seek [final property](#) and/or [spousal maintenance](#) orders (there cannot be interim issues that need to be addressed, for example, a party's non-compliance with their [financial disclosure obligations](#) or a disagreement over

whether a property should be valued/sold); and

3. Either:

1. The net value of the asset pool (excluding superannuation) is, or appears to be, less than \$550,000; **OR**
2. The net value of the asset pool (excluding superannuation) is not significantly greater than \$550,000, and the Court, in its discretion, allocates the matter to the PPP List because:
 1. having regard to the relevant assets of the parties, the Court considers it appropriate to allocate the matter to the PPP List; and/or
 2. due to the parties (or a party) having a particular vulnerability, having regard to the location of the parties, the demographic features of the parties, or allegations of family violence, including coercive control, the Court considers it appropriate to allocate the matter to the PPP List; **OR**
3. the Court otherwise, in its discretion, allocates the matter to the PPP List.

** An Initiating Application (Family Law) is a formal document filed with the Court to start family law proceedings. It outlines the applicant's claims and the orders they seek. The application is served on the other party, who must respond.*

The following matters will **not** be allocated to the PPP List and will follow the general court pathway:

1. Where the asset pool includes an entity or entities (such as a family trust, company, or partnership) owned or in the effective control of either party, where the value is contested and requires valuation or expert investigation;
2. Proceedings where parenting orders are sought;
3. Child Support cases;
4. Child Maintenance cases;
5. Contravention Applications; and
6. Enforcements Applications.

How do I initiate property proceedings in the Priority Property Pool List?

The following documents are generally required when initiating property proceedings in the Federal Circuit and Family Court of Australia:

- [1. Initiating Application \(Family Law\);](#)
- [2. Genuine Steps Certificate;](#)
- [3. Financial Statement;](#) and
- [4. Affidavit.](#)

However, when filing in the PPP List, the latter two documents are *not* needed, and instead, a Financial Summary needs to be completed. The filing process is intended to be less arduous and less expensive.

What happens once your matter is allocated to the Priority Property Pool List?

The Court pathway for the PPP List is comprised of two phases: the Registrar-led phase and the Judge-led phase.

The Registrar-led phase

Step 1: Chambers Orders

Before the First Court Event, a Judicial Registrar will make Chambers Orders (orders made in the absence of the parties), allocating the matter to the PPP List and directing how the matter is to be managed. Examples of orders include exchanging financial disclosure documents, agreeing on or obtaining [property valuations](#), agreeing on a form of alternative dispute resolution and the filing of further court documents.

The making of these orders assists with the quicker resolution of the matter by identifying and limiting the issues in dispute, ensuring that the relevant disclosure documents have been exchanged as early as possible and starting discussions between the parties (where it is safe to do so).

Step 2: First Court Event

The [First Court Event](#) is an opportunity for the Court to identify what issues need to be determined and make directions about how the matter will progress through the Court.

A balance sheet (setting out the parties' assets, liabilities and superannuation) may also be agreed upon if the Chambers Orders have been complied with by the First Court Event.

The parties are encouraged to enter into negotiations at the First Court Event in an attempt to reach a final property settlement agreement and resolve their matter on a final basis. If they are unable to do so, the parties must agree on a form of [Dispute Resolution](#). If they are unable to agree, the Judicial Registrar will make orders to this effect. Orders will also be made for the parties to attend a Mention Hearing (to occur as soon as practicable after Dispute Resolution).

Step 3: Dispute Resolution

This is another opportunity for the parties to resolve their matter on a final basis. For matters in the PPP List, a Conciliation Conference before a Judicial Registrar **may** be available to the parties (parties may be required to pay a small fee for the Conciliation Conference). If it is not an available option, the parties will be required to attend a private mediation (this is a more expensive process).

Step 4: Mention Hearing

If the parties do not resolve their matter on a final basis at Dispute Resolution, the parties will be required to attend a Mention Hearing. At the Mention Hearing, the Judicial Registrar will do one of the following:

- List the matter for a Compliance and Readiness Hearing; or
- If the Registrar is of the view that the parties are close to settling their matter, they may list the matter for further Dispute Resolution.

The Judge-led phase

Step 1: Compliance and Readiness Hearing

The purpose of this hearing is to ensure that the parties have complied with all previous Court orders and that the matter is ready to proceed to a Final Hearing. The Court will make further orders providing for the parties to file the Court documents they intend to rely on at the Final Hearing.

Step 2: Final Hearing

At a Final Hearing, the matter will be decided on a final basis by a Judge.

How can a family lawyer help?

If you are considering issuing family law proceedings in Court and would like to discuss whether your matter is eligible for the PPP List, please contact our office to book a free initial consultation with a member of our team.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.