

INSTRUCTIONS FOR USING THIS TEMPLATE

Using this Template:

This template is provided to assist those in family law proceedings to comply with their own obligations to disclose relevant documents.

The information in these instructions is intended as information only. It is no substitute for legal advice.

If you have any queries about your specific matter or want more detail about your own legal disclosure obligations you should obtain independent legal advice.

For more information about disclosure in family law proceedings read:

- The Duty of Disclosure Brochure (Family Court of WA website). Available [here](#)¹ or see full website address below.
- Chapter 13 of the Family Law Rules. Available [here](#)² or see full website address below.

Note: these instructions should not be sent with the disclosure list.

Guide for Completing this Template and organising your disclosure documents

1. Once you know which documents you should disclose (to comply with your legal obligations) you should organise those documents in categories. See below for examples of document categories.
2. Once they are in categories bundle as many like (similar) documents together as you can.

For example, if you have 12 statements for the same bank account it is common for a person to bundle them together and disclose them as one entry on the list with the date range or the document description covering the period of all 12 statements together.

3. The next step is to give each document or bundle of documents a unique reference number. It is up to you how you want to number the documents. Whether you want to assign each document category a letter (e.g. A or B etc) and then each document or bundle in that category receives a number so that the documents in the list appear as (e.g. A1, A2, B1, B2 etc) or if you want to just assign numbers sequentially (e.g. 1,2,3 etc regardless of category).
4. The document need to be marked with that number (this can be on the document itself or in a plastic sheet containing the document) or for electronic files you can name the document the reference number.
5. The list then needs to be completed as follows:

¹ https://www.familycourt.wa.gov.au/files/Information_Kits_Brochures/Brochure_Duty_of_Disclosure.pdf

² http://classic.austlii.edu.au/au/legis/cth/consol_reg/flr2004163/

- a. the document reference number in the first column
 - b. the document category in the second column;
 - c. the date of the document in the third column (e.g. this could be the date written on a document, e.g. the date a letter was sent.) or it could be a date range, e.g. covering the range of a bundle of bank statements)
 - d. The description of the document in the fourth column (e.g. for a bank statement this could be “Commonwealth Bank Savings A/c ending 123 in the name of Jane Bloggs, Statements No 25 to 35 excluding statement No. 27”.) Another example could be “Letter from Joe Bloggs to Jane Bloggs regarding repayment of loan”. The description needs to enable the reader to understand what the document is.
 - e. The date that individual document is added to the list is included in the fifth column. Disclosure is an ongoing obligation and the list is something a party will add to over the entire course of their legal matter. It is helpful to include when a document is added to the list (and also the date when a specific list is sent to the other party/ies) as it can be relevant at trial to prove that (and when) a party complied with their disclosure obligations.
6. Once the list is finalised, the documents should be organised into a lever arch file and a copy of the list placed at the front of the file.
 7. A copy of the list should be sent to all other parties in your matter (e.g. if there is an independent children’s lawyer this list should also be sent to them).
 8. If you are required to file an “Undertaking as to Disclosure” it can be useful to attach to that Undertaking your latest disclosure list to prove what you have disclosed up to that point.

Examples of Document Categories

In family law property settlement of financial proceedings:

- Banking
- Real estate
- Superannuation
- Cars and other vehicles
- Income
- Expenses
- Children
- Business
- Health/Medical
- Family Violence
- Child Support
- Personal property
- Miscellaneous

In family law proceedings relating to children:

- Education (including school reports)
- Health
- Family Violence
- Child Support
- Children’s Expenses
- Miscellaneous

Further Notes:

- Whether or not a party is required to disclose a document depends on the issues which are legally relevant in their case.
- If there are any documents which are relevant (and should be disclosed) but which are protected because of a legal privilege, then these should be identified in the list but marked as “subject to privilege). You should obtain legal advice about any documents which may be privileged as any privileged document which is disclosed may no longer be protected by that privilege (i.e. this means that document may no longer be confidential). Examples of documents usually protected by privilege include communications between a client and a lawyer for the purpose of obtaining legal advice.
- Parties should seek independent legal advice from a family lawyer about what the relevant issues in their case and what their legal obligations are to disclose documents in their specific matter.