

# Reaching a Property Settlement Agreement through Family Law Arbitration

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There are numerous methods aside from traditional Court determinations which parties can utilise when seeking to reach a property settlement agreement. Section 10L of the *Family Law Act 1975* defines arbitration as “a process (other than the judicial process) in which parties to a dispute present arguments and evidence to an arbitrator, who makes a determination to resolve the dispute.”

## How do Arbitrations operate?

Arbitrations are available for property and financial matters and are voluntary. A matter may also be referred by a court order. They can take place before, during or after proceedings have commenced.

Arbitrations may either determine entire financial or property disputes, or alternatively they can focus on specific aspects of the dispute.

The parties have flexibility in preparing a written arbitration agreement before the arbitration commences to determine the constraints and process of the arbitration.

## Are Arbitral determinations final?

Once arbitration has finalised, the arbitrator will make an arbitral award. An arbitral award is final and upon registration, it has the same impact and enforceability as an order of the Court.

## Benefits of Arbitration when determining a property settlement agreement

Arbitration offers some distinguishing benefits to that of traditional litigation, which may appeal to particular individuals and types of property settlement agreement matters. The predominant benefits of arbitration are efficiency and cost. Arbitrations are finalised more expediently than Court hearings and as such, not only do parties save time, but they save on costs that would otherwise be associated with ongoing preparation leading up to a court hearing to determine a property settlement agreement.

Arbitration is less formal than traditional Court proceedings and offers parties a degree of flexibility including deciding who the arbitrator will be, the time and location of the arbitration and the processes and procedures to be adopted.

Arbitrations can be an effective avenue for suitable parties to take and conclude their matter more efficiently. One of our family law lawyers is able to assist you in determining the advantages and disadvantages of using an arbitration for a property settlement agreement specific to your circumstances.



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[For more information on Property Settlement generally, click here.](#)

For advice about how arbitration can assist you to negotiate a Property Settlement Agreement contact us on **1800 300 170** or email us at [familylaw@matthewsfolbigg.com.au](mailto:familylaw@matthewsfolbigg.com.au)

**Disclaimer**

***Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.***