



What to do if your ex is hiding assets during family law proceedings

Date: Sunday November 2, 2025

Separating from your partner is often stressful enough without worrying that assets are being hidden when it comes to [negotiating a property settlement](#). Under Australian family law, both parties must make full and frank disclosure of their finances when resolving property matters. Without full and frank disclosure, there is always the opportunity to reopen proceedings in time.

If you suspect your ex is not being open about assets and there is more than what is being disclosed, unfortunately, you may need Court intervention to seek orders for the production of documents or, otherwise, [a subpoena](#).

Duty of disclosure in Australian family law

The Federal Circuit and Family Court of Australia (and the Family Court of Western Australia) require each party to give continuous, full and frank disclosure of all financial matters when a matter is litigated before the Court.

The duty of disclosure begins before an application is filed, continues through negotiations and court proceedings, and only ends when your matter is finalised (whether by consent or judicial determination).

Disclosure means providing **all** information and documents relevant to your financial circumstances, even if they are unhelpful to you. Relevant documents include:

bank and credit card statements;

payslips and employment records;

cryptocurrency records;

tax returns;

superannuation details;

business records and BAS statements;

trust documents; and

any other information showing assets, debts or financial resources.

If someone fails to disclose, the court can penalise them heavily. It can impose [costs orders](#), draw negative inferences, or even set aside any agreement obtained without full disclosure.

You can read more about disclosure obligations in our earlier blog, ["What is the duty of disclosure?"](#)

Common signs assets may be hidden during property settlement

Not every unusual transaction means dishonesty, but patterns of behaviour may raise concerns.

Watch for:

unexplained cash withdrawals or transfers between bank accounts;

sudden "loans" to friends or family without paperwork;

delaying payment of bonuses or commissions until after settlement is finalised;

undervaluing a business, overpaying expenses or inflating debts;

moving funds into new companies, trusts or self-managed super;

buying cryptocurrency or other easily moved assets;

refusing to provide routine financial documents or providing them very late.

What the court can do if assets are concealed during property settlement

Australian family law provides several tools to stop assets disappearing and to uncover hidden assets.

Freezing or preservation orders

If there is a risk property will be sold, transferred or hidden, the court can make urgent orders to “freeze” the asset. These orders may restrain not just your former partner, but also third parties (like banks) from dealing with the asset.

Orders for disclosure, subpoenas and valuations

If your ex refuses disclosure, the court can order it. Subpoenas can compel banks, employers, accountants and others to produce records. [Independent valuations](#) can be ordered for real estate, businesses, vehicles and superannuation interests to ensure reliable figures are used.

Setting aside transactions that defeat claims

If assets were transferred to reduce the property pool, the court can undo the transaction. Agreements or even court orders can also be set aside if they were obtained by fraud or non-disclosure.

Dealing with companies, trusts and superannuation

Complex structures do not diminish your duty of disclosure. The court considers all assets associated through companies, trusts and superannuation, including self-managed super. It looks at the following:

Companies - shares may be property of the parties, and control of business assets and distributions will be examined;

Trusts - assets may be property or a financial resource, depending on the terms of the trust;

Superannuation - this is generally considered property for family law purposes and [can be split](#) by court order or agreement.

If your ex has effective control over an entity, the court can consider the assets or benefits of that entity when making orders.

Practical steps if you suspect assets are being hidden

Gather documents you already have, such as bank statements, tax returns, ASIC extracts and super statements.

Create a timeline of suspicious transactions.

Keep communications in writing (emails, texts, letters).

Don't access accounts or emails without permission – this can harm your case

Speak with your accountant about financial irregularities.

Get legal advice quickly about urgent applications, especially if a sale or transfer is imminent.

Act methodically and within the law.

[GET ADVICE FROM AN EXPERIENCED FAMILY LAWYER: 08 6245 0855](#)

How disclosure works during negotiations and mediation

Even if you are trying to resolve matters without going to court, the same disclosure rules apply. Both parties must exchange full financial documents in mediation or settlement discussions so the property pool can be agreed.

If your ex doesn't comply, your lawyer can:

give them a written list of missing documents with deadlines to produce those documents;

propose an independent valuer for disputed assets;

consider a confidentiality undertaking so sensitive information can be shared safely;

if relevant documents are still not provided, discuss filing an application so the court can compel disclosure.

Consequences of hiding assets in property settlement negotiations

Non-disclosure in family law proceedings can lead to significant consequences for a non-disclosing party:

Costs orders - the court can order the non-disclosing party to pay legal costs;

Unfavourable property split - the court may treat the position as worse for the non-disclosing party and award them less

Orders set aside - agreements or orders obtained without full and frank disclosure can be reopened;

Contempt or other sanctions for breaching court orders - in serious cases, the court can impose penalties.

Whether married or de facto, the same principles apply

The duty of disclosure applies in both marriage and de facto property settlements. While sections of the Family Law Act differ (s79 for marriages and s90SM for de facto), the principles around disclosure, asset preservation and setting aside transactions are the same.

Frequently asked questions

What if my ex refuses to provide bank statements or other relevant financial documents?

Your lawyer can seek orders for specific disclosure. If there is continued non-compliance, subpoenas can be issued to the relevant organisations, including banks. The court may also make costs orders against the non-compliant party.

Can I stop my ex from selling an investment property?

Yes. You can apply urgently for a freezing or preservation order to restrain the sale. You need evidence there is a real risk of disposal that would prejudice your case.

We signed a deal and I later discovered hidden assets. Is it too late to revisit settlement?
Not necessarily. Agreements and even court orders can be set aside if they were obtained through non-disclosure, fraud or similar misconduct. Get legal advice promptly because delay can make things harder.

Do I have to disclose everything even if my ex will see it?

Yes. The duty of disclosure is strict. If privacy is a concern, your lawyer can propose confidentiality undertakings. Generally, financial documents obtained during family law proceedings cannot be used for other purposes. You can read more about this in our earlier blog, [“Can I use financial information disclosed during property settlement for another purpose?”](#)

In summary

Both parties must give full disclosure in family law property settlements.

Hiding assets can backfire, resulting in penalties and less favourable property outcomes.

The court can freeze assets, compel disclosure, undo transactions, and “add back” money already disposed of.

If you suspect assets are being hidden, act quickly: gather evidence, get advice, and don't take unlawful shortcuts.

Get help from a family lawyer

Suspecting assets are being hidden can be overwhelming. A family lawyer can explain your options, apply for urgent preservation orders, issue subpoenas, and ensure disclosure rules are enforced. Having the right advice early gives you the best chance of protecting the property pool and achieving a fair outcome.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.