



**PRE-NUPS & POST-NUPS – ARE FINANCIAL AGREEMENTS BINDING?**

Financial Agreements can be entered into by spouses before or after marriage or before or after the commencement of a de facto relationship. Binding Financial Agreements can be one of the most effective tools for asset protection if there is a future separation. Provided that the Agreement is properly prepared and executed, it will be legally binding in a Court.

The Family Court can only overturn or set aside a Financial Agreement in very limited circumstances – such as where there has been a non-disclosure of a significant asset or if the technical legal requirements have not been complied with. One of these legal requirements is that the parties to a Financial Agreement must each have independent legal advice from an Australian lawyer regarding the advantages and disadvantages of the Agreement before they each sign it with the legal practitioners providing a signed statement to that effect.

We can assist you by:

- preparing a Financial Agreement to suit your specific financial circumstances; or
- by giving you detailed advice regarding a draft Financial Agreement prepared by your spouse or partner's lawyer.

For further information regarding Binding Financial Agreements, please contact us on 03 9670 1734 to speak with one of our Accredited Family Law Specialists.