

Keeping couples out of court: Federal funds for new mediation service to help separating couples split assets

A response to the Women's Economic Security Package

New Federal funding announced today will help reduce court backlogs and throw a legal lifeline to thousands of Australians grappling with costly, lengthy and stressful family law disputes.

“There are often occasions in family law disputes in which vulnerable women do not receive appropriate legal assistance and are denied a fair share of a property settlement,” says National Legal Aid family law spokesperson Gabrielle Canny (pictured).

“The funding – outlined in the Women's Economic Security Package handed down by Minister for Women Kelly O'Dwyer - helps Australia's eight legal aid commissions deliver the new services below.

(1) Family law property dispute mediation

“Legal aid mediation services already have an 80% success rate when it comes to helping separating parents resolve disputes over the care of their children.

“This new pilot program extends those mediation services to disputes over property – including real estate, superannuation, other assets and debts.



“Family Dispute Resolution services are provided by legal aid commissions at secure purpose-built locations that keep parents apart while their lawyers, and a Chairperson, come together to work through the issues. It helps separating couples reach a mediated agreement with the assistance of lawyers - without going through court proceedings that are usually expensive, lengthy and deeply distressing.

“The *Legally-assisted Family Law Property Mediation* program will receive \$10m in Commonwealth funding for a two-year pilot to be run by legal aid commissions across Australia.

(2) Cross-examination funding in family court matters involving DV allegations

“This funding for new cross-examination procedures will help protect vulnerable individuals in court disputes while also ensuring due process occurs in these legal matters.

“National Legal Aid has been extensively involved in talks with the Commonwealth government about these new cross-examination procedures for people who represent themselves in family law cases involving allegations of domestic violence.

“The funding is a significant and welcome step. Based on the current available research about the incidence of this problem, we believe this funding will be sufficient to address it.

“Research shows there are currently just under 100 family law courts matters per year where domestic violence was alleged and an unrepresented person was cross-examined by their former partner.”

Ms Canny is available for interview. Media contact: Jeremy Boylen M 0421 611 856