

THE FINANCIAL DIVIDE

LAWYER-ASSISTED PROPERTY MEDIATION FOR WOMEN EXPERIENCING FAMILY VIOLENCE

Access to modest property settlements is often the critical factor between securing stable housing and experiencing homelessness for women leaving relationships due to family violence. Yet, financial abuse frequently persists beyond separation, with many women effectively excluded from exercising their family law property rights. The Financial Divide pilot project (January 2024 – July 2025), funded by the Lord Mayor's Charitable Foundation, was established to address this urgent and unmet legal need. In cases involving small property pools, the lack of financial incentive for private family lawyers to pursue litigation leaves many women without legal representation or options to pursue their legal entitlements. This initiative sought to close that gap by providing lawyer-assisted mediation at no cost, enabling safe, timely, and equitable access to property settlements. The project aimed to overcome the systemic barriers victim-survivors experience while navigating the complex emotional and practical aftermath of family violence. For many, this support was a critical step toward financial independence and housing security.

KEY FINDINGS

1. IMPROVED ACCESS TO MEDIATION

Victims-survivors would not have engaged in mediation, or been assessed as eligible by Family Relationship Centres, if they were not participating in the project and receiving legal representation that mitigated family violence risk. Similarly, users of violence likely would not have participated in mediation without access to free legal support. However, even with this support, reluctance and obstruction from other parties often delayed proceedings.

"If NCLC hadn't provided me with all their services, I wouldn't be where I am today. I wanted to give up a few times but [the Northern CLC lawyer] encouraged me that I was just taking what I was entitled to. [The Northern CLC lawyer] was very clear and made me comfortable, whilst protecting my best interests."

- Northern CLC Client

2. IMPROVED ACCESS TO PROPERTY POOL

Victims-survivors that otherwise may not have engaged in a settlement process, reached a property settlement. Some victims-survivors indicate that they would have settled for less without the support of a lawyer.

3. IMPROVED KNOWLEDGE OF FAMILY LAW SYSTEM

All project participants received information and advice about the family law property system, their rights and responsibilities. This encouraged respectful and informed engagement in the process, and equipped participants to further navigate family law systems into the future.

4. IMPROVED ACCESS TO ADDITIONAL FINANCIAL LEGAL REMEDIES

Victims-survivors participating in the project received additional legal support to address financial abuse and promote financial security, including access to victims' compensation, fines and debt redress, and tenancy resolution.

THE FINANCIAL DIVIDE

LAWYER-ASSISTED PROPERTY MEDIATION FOR WOMEN EXPERIENCING FAMILY VIOLENCE

The project assessed 81 different clients for participation in the project, 16 clients ultimately participated, and to date, 5 clients have successfully reached a family law property agreement. Of the 16 clients who participated, 9 were residing in family violence refuge centres at the time, underscoring the project's potential to assist women facing or at risk of homelessness. Some of the project participants are still in the process of progressing through mediation, and their outcomes are unknown. The project involved Northern CLC supporting victim-survivors, Monash Law Clinic supporting the other party and either Relationships Australia (Sunshine) or Broadmeadows Family Relationship Centre (Mackillop) facilitating the mediation process.

Impact on women's homelessness

- Some victims-survivors who reached a property agreement are now in a position to establish independent housing, as they have the funds to pay bond and rent on a new property.
- None of the women residing in family violence refuge had yet reached a property settlement by the end of the project period due to the reluctance or refusal of perpetrators of family violence to participate in mediation. Without resources to engage in property family law litigation process, these victims-survivors remain locked out from accessing their property rights and entitlements.

Recommendations

- 1 A comprehensive evaluation of the project inclusive of costs savings analysis and comparison to pre-existing family law property options be funded and completed.**
- 2 Future project models to include greater involvement from family violence refuge and crisis accommodation services to prevent and address women's homelessness.**
- 3 The project model to be restructured and fully funded to support:**
 - **Dedicated project coordination and delivery staff in each organisation**
 - **Increased capacity and resourcing for community legal centres to offer litigation services to encourage participation in mediation and prevent systems abuse.**