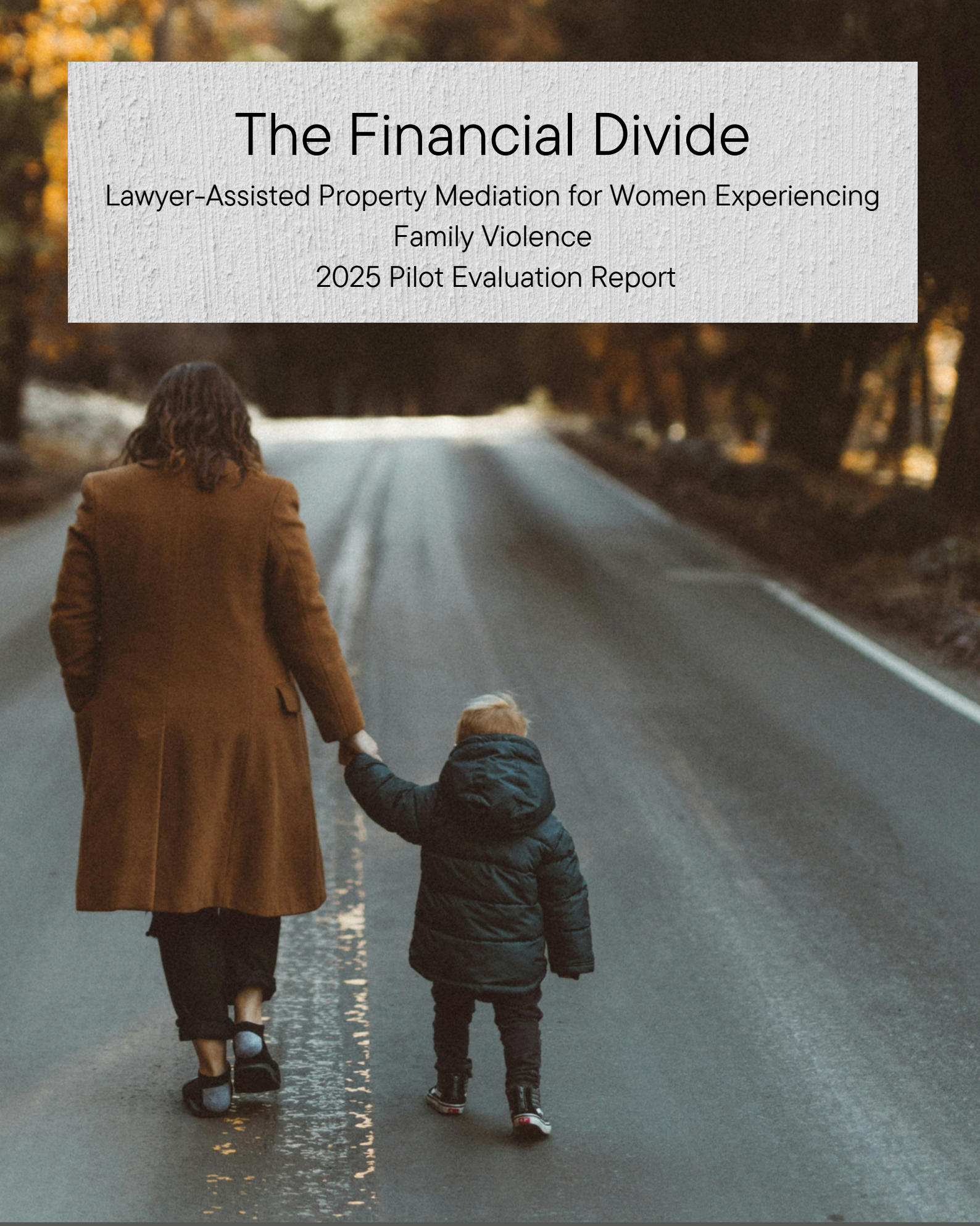
The Financial Divide

Lawyer-Assisted Property Mediation for Women Experiencing Family Violence

2025 Pilot Evaluation Report



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Northern Community Legal Centre would like to acknowledge and thank the **Lord Mayor's Charitable Foundation** for supporting this project.

1. Executive summary

This evaluation report has been prepared for the Lord Mayor's Charitable Foundation following the completion of Northern Community Legal Centre's (Northern CLC's) Financial Divide Project. The project piloted a lawyer-assisted property mediation model aimed at helping victim-survivors of family violence access property settlements quickly, to prevent experiences of homelessness.

Beyond documenting project outcomes, this evaluation contributes to Northern CLC's ongoing service improvement. It offers valuable insights for Community Legal Centres (CLCs) and Family Relationship Centres (FRCs) across Australia, with the aim of strengthening service delivery in this critical area.

The project responds to a gap in service delivery experienced by Northern CLC clients (hereafter referred to as clients), specifically family violence victim-survivors with small property pools. These clients experience significant challenges to accessing their legal rights, while recovering from the impacts of family violence, including financial abuse. Because small property pools often lack the financial incentive for private family lawyers to take on litigation, many victim-survivors are left without legal support. Yet, access to even modest property settlements can be the critical factor between securing stable housing or facing homelessness. This pilot initiative aimed to bridge that gap by offering lawyer-assisted mediation at no cost, enabling safe and swift access to small property pools for women who have experienced family violence.

The evaluation of the project identified that it successfully increased victim-survivors' access to family law property legal advice and information; facilitated their participation in family law property mediations; and, in some cases, enabled clients to access their share of the property pool. Key insights were gained from both the implementation process and the outcomes achieved. 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. Some of the project participants are still in the process of progressing through mediation, and their outcomes are unknown.

The project generated valuable insights from both the participants who successfully reached agreements and those who did not. For those who reached a resolution, clients reported reduced mental health stress and greater housing stability. However, those unable to reach an agreement remain caught in a systemic gap—unable to afford private litigation and without the means to resolve their property matters independently.

The project highlighted the effectiveness of CLC led lawyer-assisted mediation in supporting victim-survivors of family violence who lack access to private legal services. It also revealed a critical need for alternative pathways when the person using violence refuses to participate or disengages in mediation. To address this, additional resources are required to enable victims-survivor's swift access to litigation—both to incentivise the other party's engagement in mediation and to counter ongoing systems abuse.

Clients identified various goals that they hoped to achieve by participating in the project. These included seeking support for multiple legal issues, resolving outstanding debts, and accessing lawyer-assisted mediation because previous attempts of unrepresented mediation had been unsuccessful. The extent to which the clients' goals aligned with and were met by the project varied. Northern CLC is continuing to provide support to some clients who were deemed ineligible for the project, as well as those that did participate with other challenging legal problems that persist. The project has highlighted the pervasiveness of financial abuse and the time-intensive process required to address its complex legal and social consequences. It is acknowledged that the full impact of the project will continue to unfold beyond the conclusion of this evaluation.

2. Introduction

2.1 About Northern Community Legal Centre

Northern CLC operates in Melbourne's northern growth corridors, our catchment of Merri-bek, Hume, and Mitchell Shire local government areas (LGAs) are home to communities that experience the most structural and systemic disadvantage in Victoria. A keystone to our success has been working closely with our communities to identify barriers in access to justice and engaging in advocacy to achieve systemic change that is effective and responsive.

Our vision is that the people of Melbourne's North-West region have access to justice through the provision of free legal information, advice, duty lawyer services, casework assistance, education and community development activities. We prioritise the legal needs of people living with multiple forms of disadvantage and marginalisation, including refugees and newly arrived people, victim-survivors of family violence, people with mental illness and other forms of disability, young people, people experiencing homelessness, Aboriginal and Torres Strait Islander peoples, and the LGBTQIA+ community.

2.2 Background and rationale for the pilot project

Victim-survivors of family violence are at specific risk of homelessness following relationship breakdowns due to the financial abuse they have faced during the relationship and throughout the property settlement process. 38% of Specialist Homelessness Services clients in 2022-23 identified as victim-survivors of family violence, and residents of Northern CLC's catchment are particularly vulnerable. For instance, Mitchell Shire residents experience higher rates of family violence per capita than any LGA in Metropolitan Melbourne, while also experiencing the highest rates of household financial stress in Victoria.

This project sought to address a well-documented gap in the provision of legal assistance for victim-survivors of family violence. Like many CLCs, Northern CLC has limited resources for conducting property division casework, let alone family law property litigation, and prior to commencing this project, support was often restricted to brief legal advice and referrals to private practitioners (lawyers and/or FDRPs).

Even where family law programs exist, their reach is limited, leaving a substantial number of victim-survivors without adequate legal support and increasing the risk of financial hardship, debt, and homelessness. The *Lawyer-Assisted Family Law Property Mediation: Legal Aid Commission Trial (the LAC Trial)* introduced legally assisted mediation for small value property matters (where the net assets are $500,000 or less excluding superannuation) implemented by Legal Aid Commissions nationally in 2020-2021 (then extended to 2023). In Victoria, the pilot provided 122 grants of aid [1]. Despite the evaluation of this project demonstrating that free access to lawyer assisted property mediation increases access to mediation, resolution and outcomes for those who cannot afford access to lawyers otherwise, the ongoing funding for this program remains limited. The Victoria Legal Aid program focuses on meeting the needs of those experiencing financial disadvantage, not specifically those experiencing family violence or at risk of homelessness. Similarly, a pilot project implemented by Women's Legal Service Victoria in 2018 did not focus on addressing the needs of victims-survivors of family violence at risk of homelessness. The project did not have a cap on the property pool size and while 87% of their clients experienced family violence, only 40% were at risk of or experiencing homelessness [2].

Northern CLC's frontline experience highlights that many clients — particularly women who are newly arrived in Australia, on temporary visas, financially dependent, or without secure housing — remain in or return to unsafe relationships due to the economic instability that follows separation. Others enter into cycles of emergency accommodation and ongoing housing instability. In many cases, these clients are entitled to a modest proportion of the property pool but are unable to access it due to the prohibitive costs of private legal representation. This issue has become increasingly prevalent in the current economic climate, marked by rising housing costs and cost-of-living pressures.

The Financial Divide Project aimed to bridge this gap by piloting a sustainable model of lawyer-assisted property mediation that is timely, accessible, trauma-informed, and responsive to the needs of highly vulnerable clients.

Objectives of the pilot project

1. Improve financial security and safety for victim-survivors post-separation

The project aimed to enhance the financial stability, safety, and overall wellbeing of victim-survivors of family violence following separation through access to lawyer-assisted property mediation.

2. Promote sector awareness and replication of the model

The project sought to build awareness and support within the community legal and family relationship sectors to encourage replication and scaling of the model.

3. Secure government investment for model continuation and expansion

The project aimed to influence policy and funding decisions to ensure long-term sustainability and broader implementation of the Financial Divide model.

[1] "Evaluation of the Lawyer-Assisted Family Law Property Mediation: Legal Aid Commission Trial", Australian Institute of Family Studies, R Carson, L Qu, R Kaspiew, E Stevens, K Sakata, B Horsfall and J De Maio (2022).
[2] "Small claims, large battles: Achieving economic equality in the family law system", Women's Legal Service Victoria (2018)

3. Project description

3.1 Establishing project partnerships and frameworks

To support the development of the pilot model, an advisory committee was established, comprising of key project partners committed to participating in the pilot. This included two Family Relationship Centres: Relationships Australia (Sunshine) and the Broadmeadows Family Relationship Centre (Mackillop). Monash Law Clinics (Monash Law) also joined as a partner, ensuring that legal representation was also provided to the other party participating in mediation. This arrangement was designed to avoid any conflict of interest and to uphold the integrity of the mediation process.

Lander & Rogers, a leading law firm with family law property division expertise, also partnered on the project, offering pro bono support in critical areas including:

- Development of legal documentation
- Property law upskilling for lawyers and Family Dispute Resolution Practitioners (FDRPs)
- Potential litigation support for Northern CLC clients unable to reach agreement through mediation.

At the inaugural advisory committee meeting, a proposed client journey map was developed. Each partner reviewed and adapted their service delivery frameworks to align with the project's objectives to ensure a streamlined, client-centred process. Communication protocols were also established to ensure that access to mediation services would be timely and trauma informed. The client journey map is provided at *Appendix A: Mediation Process*. Northern CLC established a target of assisting 10 clients through the mediation process.

3.2 Target population and geographic scope

The Financial Divide Project targeted victim-survivors of family violence, with specific eligibility criteria designed to ensure the project reached those most in need of accessible legal support.

All clients of Northern CLC who participated in the Financial Divide Project met at least one of the following criteria:

- Currently living within the designated catchment area (Merri-bek, Hume or Mitchell Shire); or
- Residing in a family violence crisis accommodation located within or near the catchment area; or
- Previously lived in the catchment area, even if they had since relocated.

This approach ensured the project remained accessible to those with established connections to the region, particularly those experiencing housing instability due to family violence.

3.3 Key eligibility considerations also included:

Asset Pool Size

The project focused on clients with modest or low-value asset pools, who were typically unable to secure private legal representation due to the limited financial incentive for private lawyers to become involved. Clients with substantial asset holdings were excluded and referred to private lawyers for assistance to maintain the project's focus on under-served populations.

Identifiable Assets

During intake, Northern CLC worked with clients to clarify the nature and scope of their asset pool. Eligibility required that assets be clearly identifiable. Cases involving disputed overseas assets or complex, non-transparent financial arrangements were deemed unsuitable for the pilot.

Family Violence Risk

Historically, FRCs have considered high-risk family violence cases unsuitable for mediation. However, this project introduced flexibility to their assessment processes to include women residing in family violence crisis or refuge accommodation. This adaptation recognised that these clients had urgent need for property resolution to obtain financial benefit that would assist them in accessing alternative safe and stable accommodation. Family violence risk was mitigated through the provision of legal assistance, the use of shuttle mediation, and by conducting mediation using video conferencing to further alleviate risks to client safety.

3.4 Timeline and phases of implementation

Funding for this project was initially for a 12-month period; however, the project period was extended to 18 months, due to the foundational elements and mediation assessment processes taking longer than originally anticipated. Accordingly, the pilot implementation phases were as follows:

Project Establishment: January – June 2024

The establishment phase focused on laying the foundational elements of the Financial Divide Project. This included formalising partnerships through Memorandums of Understanding, establishing the advisory committee, and developing essential project documentation such as legal retainer agreements—with pro bono support from Lander & Rogers law firm.

During this period, Northern CLC staff, along with staff from partner agencies, also received upskilling in property law with training provided by Lander & Rogers to ensure consistent and informed service delivery.

Identifying suitable clients to participate in mediation was a key activity during this phase. Northern CLC reviewed its database to identify recent clients that would potentially be eligible for lawyer-assisted mediation. A total of 80 clients were contacted based on the available information to assess their suitability for participation.

Additionally, a monitoring and evaluation framework was established, developed in collaboration with the Advisory Committee, ensuring that the project's progress and outcomes could be effectively tracked and assessed.

Project Delivery: June 2024 – July 2025
The project delivery phase involved progressing clients through the pilot model encompassing intake, retainment of both parties, assessment, and mediation. From the outset, we noted a range of barriers to progressing matters swiftly. In brief, these included delays in the other party accessing legal representation, delays in having both parties attend the family relationship centre assessment process, and evidence of systems abuse, i.e. other parties continually delaying proceedings to prevent progress. These barriers will be further explored later within this report.

Project Evaluation: April – July 2025.
Evaluation activities commenced in April 2025.

4. Evaluation methodology

A monitoring and evaluation framework was established to gather quantitative and qualitative data that would enable us to answer core evaluation questions related to anticipated project outcomes:

1. Did victim-survivors of family violence have improved financial security and safety post-separation following participation in the project?

2. Are community legal centres and family relationship centres aware of the model and invested in replicating the model in their settings?

3. Is the government invested in continuing and scaling up the model?

Data collected to support this evaluation includes:

- Client demographic information that provides insights on which community cohorts were able to successfully participate in the pilot, and which cohorts faced barriers to participation.
- Legal outcome data recorded in Northern CLC's client database
- Legal case notes
- Legal case studies
- Interviews with clients (2 clients were interviewed who were yet to finalise the mediation process, and 4 clients were interviewed who had completed the mediation process).
- Interviews with project stakeholders (6 practitioners - lawyers and FD- interviewed)
- Feedback from project presentations conducted with the broader CLC sector
- Data pertaining to advocacy activities and outcomes.

5. Implementation analysis

5.1 Project Coordination

A Project Coordinator was employed by Northern CLC to ensure that the implementation model of the Financial Divide Project was underpinned by key foundational principles for best practice:

- Insights and lessons from previous property division initiatives were incorporated into the project design. The literature review encompassed project evaluations and submissions for law reform by The Australian Institute of Family Studies[2]; Peninsula Community Legal Centre[3]; Relationships Australia[4]; Women's Legal Services Australia[5]; the Women's Legal Service Victoria[6] and an independent review of the Family Relationships Services Program[7]. The literature review provided a comprehensive understanding of systemic challenges, best practices, and gaps in existing approaches.
- The program was delivered by experienced and confident lawyers and FDRPs, whose skills and knowledge were critical to its success.
- Strong collaborative relationships were established, supported by streamlined and efficient communication channels that facilitated coordination and responsiveness.
- All necessary legal documentation was prepared and maintained, providing a solid foundation for the program's operations.
- Effective frameworks for monitoring and evaluation were implemented, alongside structured data collection processes to track progress and inform continuous improvement.

6. Findings

6.1 Improved access to mediation for victim-survivors of family violence

The overarching purpose of the project, to reduce women's homelessness, informed the eligibility criteria for client participation. Initially these criteria were narrowly defined, specifically in terms of property pool size and type. When the project coordinator began assessing eligibility with clients, it became apparent that broadening the eligibility criteria was necessary to provide services that had the potential to prevent homelessness. Even with a broadening of the scope, there were still many victim-survivors of family violence who were deemed ineligible for participation.

[3] "Evaluation of the Lawyer-Assisted Family Law Property Mediation: Legal Aid Commission Trial", Australian Institute of Family Studies, R Carson, L Qu, R Kaspiew, E Stevens, K Sakata, B Horsfall and J De Maio (2022).
[4] "Further away from economic justice", Peninsula Community Legal Centre (2022)
[5] Submission to the Attorney-General's Department, "A new decision-making framework for property matters in family law", S Cochrane, Relationships Australia (2021)
[6] Submission 52, "Inquiry into Domestic and Sexual Violence, and the Need for Specialist Women's Services", Women's Legal Services Australia (2020)
[7] "Small claims, large battles: Achieving economic equality in the family law system", Women's Legal Service Victoria (2018)
[8] "Support for Separating Families: Review of the Family Relationships Services Program", A Metcalfe (2024)

A total of 81 clients were initially contacted to discuss their suitabilility for participation, but only 16 clients ultimately participated. Reasons for non-participation included asset pools being too high/complex or there were no assets to divide; parties were not separated or were reconsidering separation; property settlement was already resolved; they had already engaged a private lawyer for property settlement; or they wanted to prioritise other matters and accordingly chose not to participate.

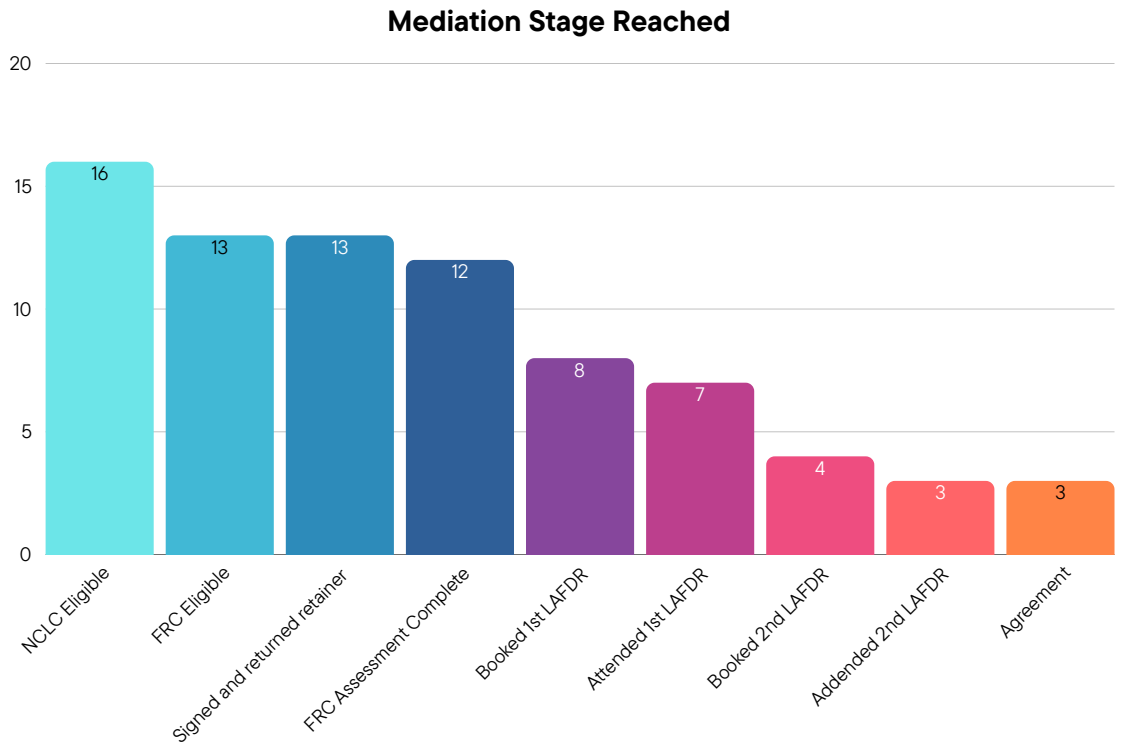
The project successfully engaged victim-survivors of family violence from varied backgrounds, experiencing unique challenges to staying safe and recovering from family violence. Of those who participated in the project: the lengths of their relationship ranged from 2 to 35 years; the number of children ranged from 1 to 4; and clients predominantly were referred to our service through family violence crisis accommodation services. Of the clients that were able to reach a property settlement, 3 were born in Australia and 2 were born overseas.

6.2 Client demographics

Demographic cohort	Details
Countries of Birth	Afghanistan (1), Australia (5), Bangladesh (1), India (2), Iran (1), Iraq (1), Malaysia (1), Pakistan (2), Syria (1)
Years of Arrival (Migrants)	Range: 2004 to 2023
Disability Disclosure	6 clients disclosed living with a disability, including psychological
Employment Status at Intake	9 clients unemployed, 7 clients employed

Clients were also navigating a range of integrated social and legal problems coinciding with their family law property matters. Nine of the clients had family violence intervention orders (FVIOs) in place and three clients had FVIOs that had expired. All of the Northern CLC clients who received support through this project with their family law property matter also received legal support with another concurrent legal issue. Additional legal problems included family law parenting, divorce, FVIOs, tenancy, crime, child protection, employment, victims' compensation, migration, infringements, and debts.

Of the 16 clients eligible for participation from Northern CLC, two were deemed ineligible by the FRC and thus could not proceed. Due to privacy and confidentiality obligations held by FRCs, it is not possible to determine what made the matter unsuitable for mediation.



Both clients and practitioners reported that access to mediation would not have been possible for many of the participants if the Financial Divide Project had not been available to them. One mediator indicated that none of the mediations that they facilitated would have proceeded if the parties were not involved in the project. FRCs are required to conduct eligibility assessments prior to conducting a mediation to determine whether it is appropriate for a matter to be mediated, which includes considerations of the parties' capacity to participate and family violence risk. A mediator commented that without lawyers supporting these parties, these clients would have been deemed ineligible for assistance and no financial benefit would have been attained.

Clients who completed case closure evaluation interviews (4) all expressed gratitude that the project was available to them. This included two clients who did not reach a property settlement throughout the process. One client told us:

"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."

FDRPs also expressed that they were encouraged to see that, despite initial reluctance to engage, some other parties supported by Monash Law proceeded with mediation and were able to engage in financial disclosure and reach agreement.

6.3 Improved access to property pool

At the time of writing, five clients had reached a settlement, though the full impact of accessing the property pool on their lives is yet to be determined. One accessed a proportion of the property settlement, which totaled $31,000, and kept her superannuation. Another accessed $8,000, and her debts were cleared. One client reached an agreement, however, later decided she was dissatisfied with the outcome and wanted to negotiate further. This was beyond the scope of the project and led to the parties seeking private representation. In July 2025, another client reached an agreement for the family property to be sold with a 60/40% split of the sale proceeds in her favour. Legal assistance continues to be provided to this client to ensure that consent orders are signed and enforced.

6.4 Improved knowledge of family law system

The lawyer-assisted process provided clients with legal advice and advocacy throughout the process, meaning clients were more aware of their rights. While not all reached settlement, many were assisted through other means to improve their financial status. The process of financial disclosure also meant women facing family violence could gain more understanding and knowledge of their financial situation and make more informed decisions into the future.

Monash Law lawyers observed that when other parties accessed legal representation, they too were given the opportunity to understand their legal rights and responsibilities in a non-adversarial environment. For some, it was the first time they'd had their legal responsibilities explained. They noted that through this process, some clients positively shifted from feeling that the system was working against them, to recognising their legal obligation to share the asset pool. Conversely, the lawyers also noted that some clients appeared unmotivated to engage in mediation, were hesitant to disclose their assets, and frequently withdrew from the process without facing any legal consequences.

6.5 Improved access to additional financial legal remedies

While not every client accessed property settlement in line with the project's goals, many received other forms of legal assistance and support that promote financial wellbeing and housing stability through their engagement with the project, or referral to other support services. For example, two clients are being supported to access victims' compensation, one client was supported by the Northern CLC Integration Program Coordinator to complete a housing application, two clients received support in relation to their tenancy matters, one received support in relation to employment matters and another in relation to fines and debts.

6.6 Barriers to participation

6.6.1 Lack of consequences for non-participation

The biggest hurdle for clients proceeding through the project was getting the other party to participate willingly. This presented itself in multiple ways. In four instances, the matter closed due to the other party not engaging with Monash Law, either initially or disengaging halfway through. In 2 cases, the other party engaged a private lawyer or initiated court proceedings. For either party to be privately represented renders the case outside the scope of the Financial Divide Project. Requiring mediation as a prerequisite to litigation in family law processes is one potential solution to address this barrier.

Nearly all the participants who reached a settlement felt that improvements to the system are required to enable equitable access to property and prevent the system from being used to perpetrate further financial abuse. As one client commented in regards to continued delays:

"One of the worst things about financial abuse is that it continues on, even after you have left"

The case study below highlights the absence of consequences for parties who refuse to participate in or continue the mediation process, and the impact upon future housing stability.

Layla arrived in Australia from Egypt in 2017. She married her husband, Jamal, that same year and separated from him in 2023 after nine years of marriage. They share three young children aged 2, 6, and 7. Throughout the relationship, Jamal perpetrated physical, emotional, and financial abuse. Two Family Violence Intervention Orders (FVIOs) were issued against him, and Child Protection services were involved. A full no-contact order is currently in place.

Following separation, Layla sought refuge at Safe Steps Family Violence Response Centre, where she was referred to Northern CLC for legal assistance.

Jamal continues to hold possession of Layla's visa documents, identification, and the children's birth certificates, leaving her vulnerable and legally disempowered. Layla and Jamal have both individual and joint bank accounts, but Jamal maintains control over the joint account. Layla is unaware of its current balance and reported that Jamal recently withdrew $90,000 without explanation.

The family home in Belmont, where Jamal currently resides, is jointly owned. Both parties contributed equally to the deposit and are listed on the title. During mediation, Layla was unsure of the property's current value or the remaining mortgage. Additionally, Jamal purchased land in New South Wales with a relative, placing both wives' names on the title. Layla does not know the address or value of this property and wishes to have her name removed from both titles.

Both parties attended the initial mediation session, where assets were discussed. Jamal provided a valuation for the Belmont property but not the land in New South Wales. A further mediation session was scheduled, with a valuation for the second property to be provided at this session. However, Jamal cancelled this session and, despite attempts to encourage further participation, declined to continue engagement. Consequently, Layla remains in crisis accommodation without access to the family property pool which would enable her to leave crisis accommodation and establish secure housing. Northern CLC is continuing to asist Layla with divorce proceedings.

**Identifying client details have been changed to protect privacy.*

6.6.2 Risk of family violence or re-traumatisation

The risk of family violence, or the desire to avoid traumatisation from past experiences, was a significant barrier to participation for many potential clients interviewed regarding participation in the project. For these reasons, some clients chose not to engage with the other party at all in any way, with one client stating: *"I would rather be homeless and on the street than have to deal with him again*". Further research is needed to better understand how experiences of family violence influence a client's ability or willingness to participate in legal processes. Clients who decided not to engage with mediation were supported through referrals to appropriate services. This included other Northern CLC legal clinics for assistance with separate legal matters.

A core component of the project was ensuring that the other party was legally represented. Unalike other pilot projects for small property pools, our project spent considerable resources in ensuring that both parties were legally represented to mitigate family violence risk and support equitable outcomes. We did not assess the other party's capacity to obtain private representation. Instead of expending resources trying to encourage the uptake of a private representation, free representation was offered by Monash Law Clinic to encourage participation and reduce self-representation. This reduced the potential for delays to participation identified in other pilots (WLSV), where other parties refused to take up private representation despite having the means to do so.

The Financial Divide project instead encouraged lawyers representing each party to work collaboratively with FDRP's to mitigate family violence risk while maintaining their confidentiality and legal privilege obligations. Ensuring that both parties were represented resulted in increased participation and mitigated systems abuse. In other areas of service delivery, Northern CLC has found that unrepresented parties perpetrate systems abuse and emotional abuse throughout legal processes. By ensuring both parties were legally represented, and all correspondence occurred between lawyers and/or FDRPs, the potential for this to occur was reduced.

Among the clients who chose to participate, 9 had FVIOs in place, and 7 had involvement from Child Protection services, highlighting the severity of family violence experienced. However, no clear correlation was found between the presence of a FVIO and a client's progress through mediation or their level of engagement.

Northern CLC lawyers were able to assist in modifying full no-contact orders to obtain conditions of contact that allowed for mediation arrangements, although this process often extended the timeline for accessing mediation.

6.7 Stressful process

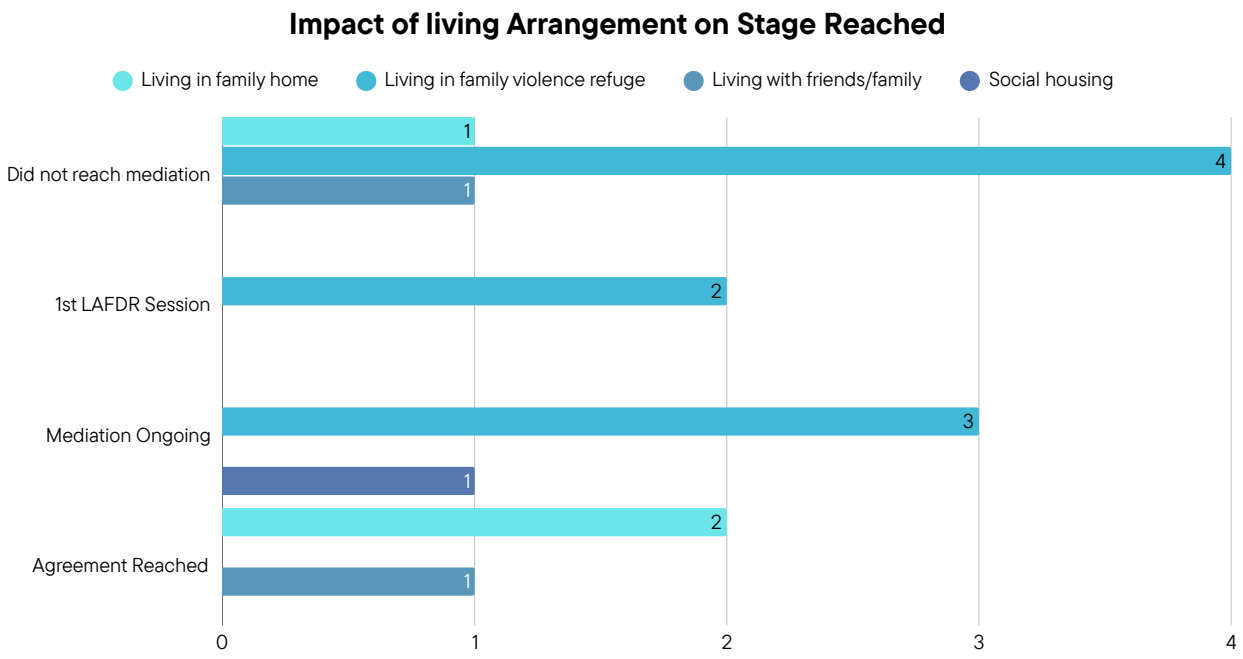
Even with the support of a lawyer, engaging in dispute resolution with the other party was stressful for victim-survivors of family violence and there was concern expressed by clients that further systems abuse occurred. Clients reported:

"Other Party lied about his assets which made mediation/settlement very difficult."
"{other party} seemed to want to drag it out."
"Still ongoing systems abuse. Gave me hope that you introduced this program"

While all practitioners were aware of the potential for systems abuse within the mediation process, their ability to implement mitigation strategies was constrained by limited resources and options.

6.8 Impacts on women's homelessness

The project's goal of supporting women experiencing homelessness to gain financial independence was only partially achieved. 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. Unfortunately, none of these women have yet reached a property settlement or accessed their asset pool, primarily due to the other party's refusal to engage in the process. This indicates that women with current or recent experiences of family violence may require a more adversarial approach to property settlement through litigation, or are more likely to require the threat of litigation to incentivise the other party to participate in the mediation process. Without realistic access to free property litigation representation, this cohort remains particularly vulnerable to homelessness as a result of family violence.



Even those who were able to gain access to a property settlement expressed ongoing systemic barriers to accessing housing. One client told us that the money obtained through settlement was useful but has faced issues obtaining housing without an employment history

The case study below illustrates the experience of a client from a Northern CLC who achieved settlement through the Financial Divide lawyer-assisted mediation process. It sheds light on the difficulties in maintaining consistent engagement from the other party, while also demonstrating the positive financial outcomes that can support long-term housing stability

During their relationship, Josie was the primary carer for her disabled daughter, while her husband, Jackson, worked full-time. Josie now receives Centrelink carer payments and is supported by the NDIS in relation to her own mental health concerns. She is unable to return to work and is struggling to afford rent. Her daughter has special needs and requires significant support, which further impacts Josie's mental health.

Josie and Jackson previously attempted self-represented mediation regarding parenting and property matters where they agreed to sell and divide the family home, however, Jackson did not follow through on the settlement.

The family home, purchased for $550,000, remains the primary asset. Both parties are listed on the title, but Josie has ceased contributing to the mortgage since moving out and wishes to be removed from the title. Jackson's reluctance to resolve the property settlement has led to ongoing disputes. When Josie attempted to discuss the matter, Jackson initiated a number of Family Violence Intervention Orders (FVIOs) applications against her—one of which was struck out by the court, and another resulted in a 12-month safe contact order, which Josie consented to.

Josie believed that lawyer-assisted mediation through the Financial Divide Project could help reach a resolution. However, Jackson disengaged multiple times. The case was initially closed due to his lack of participation but was reopened following persistent efforts by Monash Law and Northern CLC. At the time of the first mediation, there were no current FVIOs or safety concerns, and financial disclosure was exchanged. A second mediation session was delayed due to Jackson's disengagement, then later rescheduled for June 2025.

At the June session, both parties attended. Josie made a proposal that Jackson accepted: the family home would be valued and sold, with Josie receiving a greater proportion of the proceeds and that both parties would share sales and conveyancing costs equally. Each would retain their current debts, vehicles, bank accounts, and superannuation.

It took approximately 10 months to reach an agreement with Jackson following Northern CLC initiating lawyer-assisted property mediation on behalf of Josie.

**Identifying client details have been changed to protect privacy.*

6.9 Impact on sector

The project has seen positive outcomes for the collaboration between Northern CLC, Monash Law, Broadmeadows Family Relationship Centre, and Sunshine Family Relationship Centre, in addition to the broader community legal sector.

On 27 March 2025, Northern CLC facilitated a CPD training workshop titled "Lawyer Assisted Family Dispute Resolution Models: Responding to Financial Abuse and Family Violence", as part of the Federation of Community Legal Centre's CPD week. Northern CLC, Monash Law Clinics, Broadmeadows Family Relationship Centre, Sunshine Family Relationship Centre and Brimbank Melton Community Legal Centre all participated in the panel discussion. 109 people attended this webinar event.

The panel discussion provided an overview of the project's model development, implementation process, and key reflections to date. Attendees were actively engaged, asking thoughtful questions and offering feedback. Topics of interest included the project's eligibility criteria, how non-financial contributions were considered, and how future needs and contributions were addressed.

Participants who completed the session evaluation highlighted both the value of the discussion and the broader impact of the project. Key takeaways shared by attendees included:

"The worth of the model but practical issues in making it work and recognising power imbalance"

"Inspiring to see CLCs doing pilot projects like these, especially for female survivors of FV where there's only a small property pool"

"Understanding the barriers to successful mediation, and the important role of CLC's in facilitating this process"

"Reinforced my position re the advantages of lawyer assisted mediation"

"Key supports and considerations that are taken into place in identifying risks."

Presenting the interim findings in this format contributed to achieving one of the project's key objectives of promoting sector awareness and encouraging replication of the model. There was clear interest from the sector in learning more about the project's insights and exploring how the model could be adapted or expanded. Panel participants expressed strong engagement, with several reporting:

"Would love to hear how the rest of it goes from here"

"The presenters provided an honest overview: warts and good aspects and the problems they confronted. They spelt out their commitment and benefits but acknowledged the reality in which they operated"

"It was really interesting to hear from the client's perspective, more of this would be great to inform lawyers about how they can best assist"

7. Learnings and recommendations

7.1 Investment in evaluation and cost savings analysis to support advocacy

This pilot has demonstrated that there is a significant and harmful service gap for victim-survivors of family violence with small property pools. To demonstrate this comprehensively, and to support advocacy for sustained government funding, resourcing for further evaluation and cost savings analysis must be provided to demonstrate the benefit of models of lawyer-assisted property mediation in comparison with other family law systems. The analysis should also consider the cost savings when limited litigation support is embedded into the model to encourage participation in mediation.

This pilot has demonstrated that the model is producing positive impacts for participants, however, the findings are incomplete while participants remain engaged in the process. Further, the longitudinal impacts could not be captured within this evaluation due to resourcing restraints. While other studies evaluations have captured the impact of LAFDR's for those experiencing financial hardship, particularly women, these studies have not focused on a cohort that is at risk of homelessness. As Australia continues to experience a cost of living and family violence crisis, research and service delivery directly addressing this issue has never been more pressing.

Recommendation 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

7.2 Building on sector collaboration

The project has demonstrated the success of community legal centres and family relationship centres working together towards a shared outcome: family law property agreements for those impacted by family violence. All practitioners indicated that the success of the project was in part due to the collaborative practices and shared purpose. This project's initial implementation stage coincided with Northern CLC establishing an outreach service delivery model with Safe Steps Family Violence Response Centre ("Safe Steps") and the Salvation Army Family Violence Refuge. This led to a large number of clients entering the project from Safe Steps and the Salvation Army. These clients are amoung the most vulnerable to financial abuse and most in need of access to property pools so that they can exit crisis accommodation and establish secure housing.

To continue to improve project outcomes and progress the project's overarching goal of reducing women's homelessness, further iterations would benefit from including family violence crisis accommodation managers in the Advisory Committee. Clients reside in family violence crisis accommodation for approximately three weeks before moving into other housing. This is a short window for practitioners to work together to support these clients. Greater involvement from these services in project design and implementation may assist their clients to prevent and address experiences of homelessness.

Recommendation 2

Future project models to include greater involvement from family violence refuge and crisis accommodation services to prevent and address women's homelessness.

7.3 Resourcing the project model

The project evaluation identified that it is of benefit to family violence victim-survivors to have access to this model. This is founded on the analysis of the quantitative data from clients, and stakeholder feedback. There is an appetite from stakeholders to continue with the project, although restrictions and limitations will apply without dedicated resourcing. For example, Monash Law Clinics is restricted by their service model, which requires incorporating students into every aspect of their service delivery. While the current caseload and limited scope of support has been possible under their current resourcing levels, and there is a desire for a continuation, opportunities for expansion would similarly restrict without additional resourcing.

The stakeholders have all expressed a desire to explore funding opportunities to sustain and expand the model. Broadmeadows FRC has acknowledged the impact of the work and delegated a small amount of funds to contribute to the project's continuation. This is not sufficient funding to address the challenges highlighted in this report.

To build on the project's impact to date, additional resourcing is essential. Implementation findings have demonstrated both the value of the project and the need for dedicated staffing to effectively deliver its services. To consolidate the project's success and address emerging challenges, increased capacity is required within each centre—particularly for coordination and service delivery roles.

Working with victim-survivors and perpetrators of family violence requires a risk prevention and response matrix to overlay the project logic. The practitioners all worked to mitigate risks throughout the project. This could be completed more effectively with additional resourcing, allowing lawyers to spend more time with clients prior to mediation discussing risks and risk mitigation strategies.

Practitioners identified that greater engagement with the mediation process may be possible if respondents were facing the risk of entering litigation if they did not participate. The project was limited in its capacity to initiate litigation, as it relied upon pro-bono support from Lander and Rogers. If Northern CLC had the resourcing to commence litigation ourselves, this would incentivise participation of the other parties as a repercussion if non-engagement occurs.

Recommendation 3

The project model to be restructured and fully funded to support:

- 1. Dedicated project coordination and delivery staff in each organisation
- 2. Increased capacity and resourcing for community legal centres to offer litigation services to encourage participation in mediation and prevent systems abuse.

Appendix A: Mediation process

Following collaborative input from all partners, the following mediation pathway was established:

- Client Engagement: Northern CLC retains the client.
- Independent Representation: The other party is referred to Monash Law Clinics for separate legal representation.
- Mediation Suitability Assessment: Both parties are referred to a Family Relationship Centre (Broadmeadows or Sunshine) to assess their suitability for mediation.
- Initial Mediation Session: A legally assisted session is held to agree on the asset pool to be divided.
- Final Mediation Session: A second session is conducted to reach a formal agreement on property division.
- Agreement Enforcement: Legal mechanisms are used to enforce the final agreement

References

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