

Mediation services

Pathway to agreement

Resolving disputes

The Family Court provides a number of mediation services to help you resolve family differences without a court hearing. The primary aim of these services is to assist people to come to an agreement about matters in dispute or unresolved after a separation or divorce.

Generally mediation sessions will follow a process of cooperative problem solving and can cover either children's or financial issues or both. Mediation for children's issues only are conducted by a court mediator who is a trained social worker or psychologist. If it is a financial matter, a deputy registrar (a court lawyer) may conduct the session.

Mediation sessions can help separated couples to settle disputes about:

- children's issues such as living arrangements, contact arrangements and parenting plans;
- financial support of children;
- financial matters.

They will also help you to:

- decide which areas are in dispute;
- explore each person's needs and interests;
- explore possible solutions, taking one problem at a time;
- select the most suitable solution;
- clarify your agreement.

In mediation you will be encouraged to make your own decisions and if necessary you will be offered professional guidance to do this. Court mediators and deputy registrars are not able to provide legal advice and you will be encouraged to seek legal advice as needed throughout the mediation process. You may ask the Family Court to make orders in terms of the agreement you have reached (child and/or financial issues).

Advantages of mediation

Sorting matters out between yourselves and coming to an agreement offers a number of significant advantages over litigation:

- You greatly reduce the financial and emotional costs of a legal battle.
- You make your own decisions.
- Your continuing relationship as parents is likely to work better.
- You are able to move forward and make a new life for yourself.
- You may improve communication with your former partner and be better able to resolve disputes in the future.

It is for these reasons that the Family Court encourages you to avoid litigation where possible and try to reach agreement through mediation rather than going down the path towards a Judge determining the matter for you.

Every family is different

There are a number of ways to settle your dispute and you need to decide which is the best method for your situation. Court staff will assess which of our mediation services is suitable for your particular circumstances.

If the mediation session is to follow a process of cooperative problem solving, it will be more helpful if both partners:

- are willing to reach a mutually satisfactory agreement;
- have the ability to negotiate.

The following factors could make it difficult to negotiate:

- reduced abilities due to alcohol or drug abuse, psychiatric illness or mental instability;
- continuing dominance by one partner;
- overwhelming emotions concerning the separation;
- a history of broken agreements;
- the use of mediation as a delaying tactic;
- violent and threatening behaviour;
- child abuse.

If mediation is not suitable for your situation other options will be discussed.

How to get started

In all registries the Family Court provides court ordered mediation in both children and financial cases. This occurs after an Application for Final Orders has been made with the Family Court. If one or both parties live some distance from the Registry the session can be conducted by telephone. If you have not or do not want to file an application with the Family Court there are professional mediators working with community organisations or in private practice who you may wish to assist you to reach agreement. To obtain information about such services please contact the **Family Law Hotline on 1800 050 321**

In the registries at Albury, Alice Springs, Cairns, Canberra, Darwin, Dubbo, Hobart, Launceston, Lismore, Newcastle, Rockhampton, Townsville and Wollongong the Family Court offers mediation for children's matters only without the need for filing an application. Contact these registries direct to make an appointment. Mediation for financial cases is not available in these registries prior to filing an application and the Family Law Hotline should be contacted to find out about services for mediation in these cases without filing an application in a court.

Children

Children can only be involved in mediation by prior arrangement with the court mediator and with the agreement of both parents. They are not usually involved in the initial session.

Interpreters

The Court can make interpreters available if prior notice is given that they are needed. Please advise the mediation staff if an interpreter will be needed.

Indigenous family consultants

The Court's Aboriginal and Torres Strait Islander Family Consultants can assist Aboriginal or Islander people with information about the Court, and with coming to the Court and talking to a court mediator or deputy registrar. Again, if you wish to use these services, please let the Court know in advance of your mediation appointment.

Family Court – Where to go

ALBURY ~ M

☎ (02) 6021 8944 ~ 463 Kiewa St Albury, NSW 2640

ALICE SPRINGS ~ M

☎ (08) 8952 8222
Centrepont Building, Hartley St, Alice Springs, NT 0870

ADELAIDE

☎ (08) 8205 2666 ☎ (08) 8205 2600 (mediation)
25 Grenfell St Adelaide, SA 5000

BRISBANE

☎ (07) 3248 2200 ☎ (07) 3248 2300 (mediation)
119 North Quay Brisbane, Qld 4000

CAIRNS ~ M

☎ (07) 4041 2377
104 Grafton St Cairns, Qld 4870

CANBERRA

☎ (02) 6267 0511 ☎ (02) 6267 0620 (mediation)
Cnr University Ave & Childers St Canberra, ACT 2600

DANDENONG

☎ (03) 9767 6200 ☎ (03) 9767 6200 (mediation)
53-55 Robinson St Dandenong, VIC 3175

DARWIN

☎ (08) 8981 1488 ☎ (08) 8941 2933 (mediation)
80 Mitchell St Darwin, NT 0800

DUBBO ~ M

☎ (02) 6881 1555
Cnr Macquarie and Wingewarra Sts, Dubbo NSW 2830

HOBART

☎ (03) 6232 1725 ~ 39-41 Davey St Hobart, Tas 7000

LAUNCESTON ~ M

☎ (03) 6334 2111 ~ Level 3, ANZ Building
Cnr Brisbane and George Sts Launceston, TAS 7250

LISMORE ~ M

☎ (02) 6621 8977 ~ 29-31 Molesworth St Lismore, NSW 2480

MELBOURNE

☎ (03) 8600 3777 ☎ (03) 8600 3888 (mediation)
Commonwealth Law Courts, 305 William St Melbourne, Vic 3000

NEWCASTLE ~ M

☎ (02) 4926 1255 ☎ (02) 4926 4299 (mediation)
61 Bolton St Newcastle, NSW 2300

PARRAMATTA

☎ (02) 9893 5555
1-3 George St Parramatta, NSW 2150

ROCKHAMPTON ~ M

☎ (07) 4921 2939 ~ Cnr East & Fitzroy Sts Rockhampton, Qld 4700

SYDNEY

☎ (02) 9217 7111 ☎ (02) 9217 7326 (mediation)
☎ (02) 9217 7300 ~ 97-99 Goulburn St Sydney, NSW 2000

TOWNSVILLE ~ M

☎ (07) 4722 9333 ☎ (07) 4722 9340 (mediation)
143 Walker St Townsville, Qld 4810

WOLLONGONG ~ M

☎ (02) 4253 6200 ~ 43 Burelli St Wollongong, NSW 2500

Western Australia

FAMILY COURT OF WESTERN AUSTRALIA

☎ (08) 9224 8222 – Perth ☎ (08) 9224 8248 – counselling
150 Terrace Rd Perth, WA 6000

M Mediation services are available in this registry before any court action is started (see 'How to get started' section for more information on mediation availability)

Our internet site is at <http://www.familycourt.gov.au>

FAMILY LAW HOTLINE: 1800 050 321

Privilege

Generally what is said during a mediation session may not be used in evidence in family law hearings or proceedings. Exceptions include a legal requirement to report a suspicion or risk of child abuse to the relevant authorities, and where there is violence or a threat of violence or an admission or disclosure of child abuse in certain circumstances.

Where lawyers have not participated in a mediation conducted by a mediator, in appropriate circumstances the court mediator will briefly discuss matters raised in a session with lawyers, including a Child's Representative, involved in a case. These matters may include the basic reasons for agreement or non-agreement, case management options and urgent issues.

In many mediation events, lawyers also participate.

Privacy

The Family Court of Australia treats seriously your right to privacy and information security. The *Privacy Act 1988* applies when the Court deals with administrative matters. When the Court collects information for purposes that are not administrative, such as to exercise its jurisdiction, other laws protect it. These include the *Family Law Rules* which limits access to Court files, and the *Family Law Act 1975* which restricts reporting of proceedings.

If you need additional information on how to keep your personal details private talk with Court staff.