

## Commonwealth Property Mediation Pilot

### What is the Property Mediation Pilot?

The Pilot is funded by the Commonwealth Government as part of the [Women's Economic Security Package](#). It is designed to help separated clients with small asset pools who experience barriers in resolving their property matters. The Pilot commenced on 1 February 2020 and has now been extended through to 2023.

### Is the Pilot only for property matters?

Yes, only property matters are mediated as part of the Pilot. If a client also has a parenting matter, they can apply for a separate grant for parenting mediation which is then organised in the usual way.

### Who is eligible for the Pilot?

The Legal Aid NSW Board has approved [eligibility policies](#) which set out the type of property we can assist with. In addition, the subjective circumstances criteria targets clients who need help to negotiate a property settlement due to factors such as domestic violence, disability and homelessness.

A more generous [Means Test](#) captures applicants who may otherwise not be eligible for legal aid. The [Merit Test](#) looks at whether mediation will assist in resolving the dispute and the applicant's commitment to resolving the dispute. If the first party meets the eligibility criteria, the second party will automatically qualify for funding. Representation of both parties has proved to be a key factor in resolving matters in the Pilot.

### How can clients access the Pilot?

Until now, intake for the Pilot has been managed through the Legal Aid NSW Inhouse Practice, with panel lawyers representing second parties. From 14 July 2021, clients will be able to access the pilot through panel lawyers. Second parties will continue to be represented by panel lawyers and by Legal aid inhouse lawyers in some cases.

### How do I apply for funding for my client for the Pilot?

The Pilot is administered as an [Early Resolution Assistance \(ERA\)](#) service.

ERA uses a more streamlined application process and is administered differently to the usual grants of legal aid. Lawyers submit their client's application directly through a specific Grants Online template **[Property mediation pilot - Initial application for the means tested (first) party]** without the client having complete an application form.

### Are clients required to pay a contribution?

Where a client receives cash above \$5,000 as a result of the property settlement, they will be expected to contribute to the costs of the mediation. This will include the cost of the solicitor's fees with each party also contributing to half of the costs of the mediator. Find out more about the Legal Aid NSW [fee scales](#).

### More information

- [LawAccess NSW](#) - free legal helpline on **1300 888 529**
- [Find a Legal Aid NSW advice service](#)
- [Translating and Interpreting Service](#) - call **131450**
- [National Relay Service](#)