

## ERA services for mediation in property matters

All early intervention family law mediations are now administered through the Early Resolution Assistance (ERA) service type and are conducted through the Legal Aid NSW Family Dispute Resolution (FDR) Unit.

There are two different ERA services for clients with property matters:

1. **The Commonwealth Property Mediation Pilot;** and
2. **Early intervention mediation.**

Each ERA service for property matters has different inclusions, eligibility criteria and fee scales. See [Policy Online: ERA](#) for details of the policies and how to apply.

## My client has a property matter. Which ERA should I apply for?

You should consider the **Commonwealth Property Mediation Pilot ERA** if:

- your client has a property matter only,
- there are disclosure issues which need to be discussed before the second mediation session to ensure negotiations can proceed, or
- your client would benefit from the support of a social worker at the mediation.

Eligibility	Commonwealth Property Mediation Pilot	Early intervention mediation
<b>Property type</b>	<ul style="list-style-type: none"> <li>• Superannuation split</li> <li>• Pool of assets less than \$500k (excluding super) <b>or</b> total claim is less than \$250k</li> <li>• Negative property pool</li> </ul>	<ul style="list-style-type: none"> <li>• Superannuation split</li> <li>• Pool of assets less than \$600k (excluding super)</li> </ul>
<b>Client circumstances</b> <i>(one or more must apply)</i>	<ul style="list-style-type: none"> <li>• Domestic and family violence</li> <li>• Homeless</li> <li>• Disability or mental health condition</li> <li>• Social isolation or cultural factors <b>that</b> require assistance from lawyer to negotiate settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Domestic and family violence</li> <li>• Disability</li> <li>• 55+ years old</li> </ul>
<b>Merit Test</b>	<ul style="list-style-type: none"> <li>• It is likely that mediation will resolve the dispute, <b>and</b></li> <li>• the client is committed to the early resolution of their dispute</li> </ul>	
<b>Means Test</b>	<a href="#">ERA Means Test (Cth Property Pilot)</a>	<a href="#">ERA Means Test</a>
<b>Solicitor fees</b>	\$1,350	\$1,075
<b>Client contribution</b>	Client must pay a contribution to legal costs if they receive a cash payment of \$30,000+ from the property settlement.	

## Commonwealth Property Mediation Pilot ERA

The **Commonwealth Property Mediation Pilot** is a targeted program to assist eligible separated people with small asset pools who experience barriers in resolving their property matters. The Commonwealth Property Mediation Pilot was established with special funding from the Commonwealth Government as part of the Women's Economic Security Package.

The key points of difference of the **Commonwealth Property Mediation Pilot ERA** are:

- Property matters only
- Net asset pool of less than \$500k **or** a total claim of less than \$250k
- Targets people who need assistance from a lawyer to negotiate a fair settlement because of circumstances including domestic violence, disability or mental health condition, social isolation or cultural reasons.
- If one party is eligible, both parties will be represented
- Social worker available at mediation sessions
- 2 mediation sessions up to 2 hours each
- Use of [FamilyProperty.com.au](https://www.familyproperty.com.au) program to streamline settlement
- Additional disbursements available for complex disclosure issues, medical reports and property valuations

## Early Intervention Mediation ERA

The **Early intervention mediation ERA** provides representation at mediation sessions for a broader range of family law matters, including property settlement.

Key aspects of the ERA for Early intervention mediation are:

- Available for parenting, property, adult child maintenance and spousal maintenance matters
- Property matters where the pool of assets is up to \$600k and certain client characteristics are met
- Targets people who have experienced domestic violence, have a disability or are 55 years or over
- One mediation session up to 4 hours
- No social worker included
- General disbursements available

## Contact for more information

Client Eligibility Unit: [T-CEU@legalaid.gov.nsw.au](mailto:T-CEU@legalaid.gov.nsw.au)

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