



Centre for
Judicial Education and Research
司法教育與研究中心

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An insight into family mediation in Australia: past, present and future

Thursday, February 20, 2014, 7:00 p.m. – 8:30 p.m.

Video Seminar Room G5353 / Academic Building 1 / 5th floor
City University of Hong Kong

Over the past two decades family mediation in the family law system in Australia has evolved from being a relatively untested and unknown approach to resolving family law disputes to being a well-researched, primary and preferred approach to resolving disputes, in particular for disputes between separating parents. This lecture presents an insight into the development and practice of family dispute resolution (FDR) in Australia. The FDR is now the primary approach for settling family law disputes in Australia. Since the inception of the Family Law Act 1975 (Cth) (FLA) and the Family Court of Australia (FCA) in the same year, family law and the family courts have placed emphasis on resolving disputes by means other than litigation (such as conciliation and mediation).

In 1991 the FCA introduced a gender-balanced model of family mediation comprising a court counsellor and lawyer-registrar, however in Australia today family dispute resolution mainly takes place outside of the courts. The education, training and practice of family dispute resolution practitioners working in the field of family law are now regulated by law and overseen by the Commonwealth Attorney-General's Department. Most, if not all, family lawyers in Australia now have mediation knowledge and skills and work to best practice guidelines which promote non-adversarial dispute resolution processes. Factors impacting on FDR practices are addressed, including culture, family violence, child-centred models of practice and recent developments in collaborative family law.

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