

NEW FAMILY LAW RULES

COMPLIANCE WITH PRE-ACTION PROCEDURES

The new family Court rules took effect from 29 March 2004.

The new rules involve a complete redraft of the existing rules.

The main purpose of the rules is to ensure that each case is resolved in a just and timely manner and at a cost to the parties and the Court that is reasonable in the circumstances of the case.

Before starting a case, generally but with certain stated exceptions each party must comply with the pre-action procedures set out in Schedule 1 to the new rules, including attempting to resolve the dispute using primary dispute resolution methods, including negotiation, mediation and arbitration.

Unless there are good reasons for not doing so, such as those set out in the schedule, the parties are expected to have followed these pre-action procedures before filing an application to start a case and cost penalties may flow in the event of non-compliance.

The exceptions include urgent applications, cases involving allegations of fraud or family violence and matters where there is a genuinely intractable dispute.

BRISBANE MEDIATIONS is in a unique position to assist practitioners in complying with these pre-action procedures.

Principals **DENISE BRITTON** and **MIKE EMERSON** are well known to family law practitioners with extensive experience in resolving all manner of family law and other disputes.

Denise Britton, the Principal of Britton Psychological Services, is an accredited mediator, registered psychologist and qualified social worker with many years practical experience in the field including as a family therapist / counsellor and as evaluator, report writer and expert witness in the Family Court and other jurisdictions.

An accredited family law specialist, Mike Emerson is a partner of Emerson Black Lawyers and an approved mediator and arbitrator with a Master of Laws in Dispute Management from the University of Queensland.

Both Denise and Mike are Members of the Australian Institute of Family Law Mediators and Arbitrators.

BRISBANE MEDIATIONS is able to offer practitioners a co-mediation model with input from both law and psychology at most competitive rates.

BRISBANE MEDIATIONS encourages the participation of lawyers in the process and meets with parties and their representatives individually to explain the process and suggest options if mediation is unsuitable.

Mediations are arranged to suit the convenience of parties and their lawyers.

The goal of **BRISBANE MEDIATIONS** is to help parties in conflict find their own lasting solutions in a cost effective way.

All enquiries regarding the options available and the process and charging rates may be directed to **BRISBANE MEDIATIONS** at **Level 8, 225 Wickham Terrace, Brisbane, Queensland, 4000**. Phone (07) 3839 7400. Fax (07) 3831 2432.
