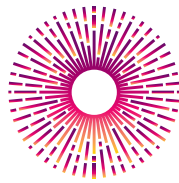




Australian Government  
Australian Institute of  
Family Studies



# Evaluation of the Small Claims Property Pilot – Priority Property Pools Under \$500,000 (PPP500)

## Final Report

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Research Report | August 2022



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# Executive summary

## Background

This report sets out the findings of the Evaluation of the Small Claims Property Pilot/Priority Property Pools under \$500,000 (now known as the PPP500 Pilot and referred to as such in this report). The PPP500 Pilot is a three-year program designed to provide access to simpler, quicker court processes for the resolution of post-separation property matters for litigants with net asset pools of \$500,000 or less (including superannuation). The Melbourne, Parramatta, Brisbane and Adelaide registries in the Federal Circuit Court of Australia (now the Federal Circuit and Family Court of Australia, FCFCoA) are piloting the program. The pilot and the evaluation are funded by the Commonwealth Attorney-General's Department under the Women's Economic Security Package (WESP).

The evaluation of the program extends over two years, commencing in 2020 and concluding in 2022. There are 23 evaluation questions guiding this evaluation research and the evaluation methodology is based on three primary data sources:

1. administrative data extracted from the court's CaseTrack administrative system
2. data from family law court files collected by the evaluation team (PPP500 files:  $n = 417$ ; non-PPP500 comparison files:  $n = 364$ )
3. qualitative interviews with parties ( $n = 4$ ) and professionals ( $n = 33$ ).

The evaluation also involves:

4. a selection of case studies drawn from each pilot site based on the court file and qualitative interview components of the evaluation to provide in-depth insights into the operation of the PPP500 Pilot in particular contexts
5. a social return on investment analysis based on the administrative, court file and qualitative interview datasets to measure the financial, economic, and social impacts of the pilot
6. an empirically informed recommendation on the definition of a small value property pool that should be applied if the PPP500 Pilot is to be maintained on an ongoing basis.

Ethical clearance for the implementation of this research was received from the Australian Institute of Family Studies Human Research Ethics Committee and the Federal Circuit Court of Australia Research and Ethics Committee (now Federal Circuit and Family Court of Australia Research and Ethics Committee).

## Objectives of the PPP500 Pilot and entry criteria

According to the Attorney General's Department (AGD) which funded the PPP500 and the evaluation, the objectives of the PPP500 Pilot are to develop and trial a more accessible, simplified and quicker method of resolving small claims family law property disputes up to the value of \$500,000. According to the AGD, expected benefits under the pilot included:

- greater access to judicial decisions regarding family law property division following separation, especially for parties experiencing family violence or economic abuse, where there is inequality in bargaining power or risk of economic hardship arising from an unresolved property dispute, and for self-represented litigants
- improved financial wellbeing and stability, including alleviated economic hardship and financial stress, especially for parties experiencing family violence or economic abuse, or where there is inequality in bargaining power or risk of economic hardship arising from an unresolved property dispute
- reduced complexity in the process required to obtain a judicial decision
- quicker judicial decisions
- fairer and enforceable outcomes for parties who resolve their dispute through consent orders
- better financial disclosure.

The eligibility criteria for the PPP500 Pilot provide for applications for property/financial orders only to be filed on or after 1 March 2020 in Melbourne, Parramatta, Brisbane or Adelaide registries where:

- the value of the net property of the parties (including superannuation interests) is (or appears to be) under \$500,000; AND
- there are no entities (such as a family trust, company, or self-managed superannuation fund) owned or in the effective control of either party that might require valuation or expert investigation; AND
- neither party in the proceedings seeks orders: for parenting or any other order pursuant to Part VII of the FLA pursuant to the *Child Support (Assessment) Act 1989* and/or the *Child Support (Registration and Collection) Act 1988*, or by way of an enforcement of an order or obligation whether a parenting or financial obligation UNLESS
- the court makes a declaration or notation that the case is designated as a PPP500 case.<sup>1</sup>

The PPP500 Pilot involves two streams. One is a registrar-led limb where parties may resolve their post-separation property and financial arrangements by consent with the assistance of a judicial registrar. The other is a judge-led limb with the option to progress to a judicial determination in cases where parties are unable to reach resolutions by consent (FCFCoA, 2021; FCFCoA, Practice Direction 2, 2020).

## Findings

### Access to simple, quick and affordable property settlements, including for vulnerable parties

In relation to the question of whether the PPP500 Pilot provided greater access to simple and quick outcomes, court administrative data show that there has been strong uptake of the PPP500 pilot (with PPP500 matters ranging from 12% to 22% of all property applications over the data collection period). There has also been a discernible reduction in mainstream court filings in property and financial matters during the pilot period. In 2020, 8,182 applications (property alone and property and children) were lodged with the court and these applications numbered 8,123 in 2021, representing a cumulative decrease of approximately 300 applications on each of the three years preceding the PPP500 Pilot. It is difficult to determine whether this reduction is attributable to the pilot, as it is possibly due to the effects of the COVID pandemic. Other possible influences may include the rollout of property mediation in the Family Relationship Centres (FRCs) and the AMICA program for online dispute resolution implemented by National Legal Aid. However, the evaluation team is not aware of any publicly available data or evaluation of these measures so any influence is difficult to assess.

Analyses of court file data illustrate that resolution time frames were substantially lower for PPP500 matters compared with non-PPP500 matters. On average, matters in the PPP500 sample were resolved in 5.3 months compared with 7.7 months in the non-PPP500 comparison sample, reflecting a time saving of one-third for the matters in the PPP500 sample. Analyses accounting for the variation in the time period captured in the PPP500 Pilot sample and the non-PPP500 comparison sample, limiting the focus to cases resolved within a 21-month period, indicate the average duration of non-PPP500 cases was still 7.1 months compared with 5.3 months for PPP500 cases.

The accessibility of the PPP500 Pilot is also underscored by the administrative data and the court file data noted above that showed parties were more likely to access the PPP500 without legal representation as compared to parties in non-PPP500 comparison matters. It is noted that in relation to the court file data, these differences were only statistically significant with respect to respondents, noting that men were more likely to be respondents than women. Nevertheless, the qualitative data from professionals and parties illustrated the pivotal role played by legal advice and representation in ensuring that the parties experienced the process as simple and easy to follow and were accurately informed and that power imbalances were mitigated.

The court file data also illustrate that vulnerable parties including those with allegations or evidence of family violence are accessing quick property settlement outcomes in PPP500 matters, with a pathway to judicial determination where required. There were allegations or evidence of family violence in a quarter of Year 1 PPP500 Pilot matters, rising to a 29% for Year 2 files. Women were the alleged victim in 19% of Year 1 PPP500 files and 23% of Year 2 PPP500 files. In PPP500 files, the most common forms of violence alleged against male perpetrators were threats of harm against family members and threats to damage or destroy property (42%),

<sup>1</sup> Federal Circuit and Family Court of Australia (FCFCoA), Practice Direction 2 of 2020 – Case Management – Family Law (Priority Property Pools under \$500,000) Financial Cases

followed closely by the perpetrator physically harming the children, the other party or themselves (40%). Allegations concerning actions related to preventing knowledge of or access to family money were raised against 18% of male perpetrators in PPP500 files. Forms of violence involving social isolation were raised against 13% of male perpetrators in the PPP500 sample. Notably, almost one-quarter of female parties in the Year 2 PPP500 subsample and almost one-fifth in the Year 1 subsample raised arguments linking a history of family violence with an impact on future needs. It is noted that factors such as absence of affidavit material on PPP500 matters may be relevant to the lower level of allegations or evidence of family violence for PPP500 matters compared to non-PPP500 matters, where almost two-thirds of the female parties raised these concerns.

The qualitative data from both parties and professionals also provide further insight into whether parties, including parties who have experienced family violence or who are otherwise experiencing an inequality of bargaining power, have greater access to simple, quick and affordable property settlements. Both parties and professionals participating in the qualitative interviews reflected positively on the PPP500 process providing access to a low-cost legal process. Some parties and professionals described the process as simple and easy to use and the forms manageable and many professionals indicated that the PPP500 Pilot provided parties with access to a option to resolve their post-separation property/financial arrangements in circumstances where other options had failed, or where it would not have been feasible to pursue a property settlement due to the prohibitive costs, delays and stress associated with engaging in the standard litigation process.

In relation to vulnerable parties in particular, most professionals suggested that the registrar-led limb of the PPP500 Pilot operated effectively to support vulnerable and disadvantaged parties, including those affected by family violence and who have ongoing safety concerns. This assisted in alleviating economic hardship for vulnerable parties. Others drew attention to aspects of the registrar-led limb that they considered were less effective in supporting vulnerable parties. Some participating parties reflected on the unique challenges they experienced as self-represented litigants and a small number of professionals reflected on the limitations of the judge-led limb in supporting vulnerable parties, including the capacity for judicial officers to respond when parties were engaging in vexatious litigation practices.

## Increase in orders by consent and by judicial determination

When considering whether the PPP500 Pilot supported an increase in orders by consent and judicial determination in small pool property matters, the data from the court files show greater levels of settlement during proceedings for Year 1 PPP500 matters when compared to non-PPP500 matters. Ten per cent of non-PPP500 matters concluded by judicial determination compared with 2% of Year 1 PPP500 files. Conversely, judicial determination outcomes were a greater feature of Year 2 PPP500 files, comprising 8% of these files. The data also show that 93% of Year 1 PPP500 matters resolved in the registrar-led limb of the process. A lower proportion of non-PPP500 comparison files resolved during the process (88% achieving full resolution). The corresponding proportion of 75% was lower again for Year 2 PPP500 files. Administrative data collected by the court also show that of those matters that had resolved, 78% had resolved without any judicial involvement and 22% required some judicial involvement. The data also show that most matters that had been progressed to the judge-led limb resolved by consent with only 6% referred to a judge for hearing. Together these data show that a greater proportion of PPP500 matters resolved by consent compared to matters in the non-PPP500 comparison sample.

Data from cases studies involving parties of cases proceeding from the registrar-led limb to the judge-led limb show how the PPP500 Pilot program was able to support resolution of property matters by consent, with all or some of the disputed issues resolved at the registrar-led stage. These case studies also showed how the matters tended to be resolved in a shorter time frame or with less complex legal processes at the registrar-led stage from the perspective of interview participants and some professionals. Nevertheless, the case studies that concluded in the judge-led limb, along with the reflections from professionals' experiences, underscore the importance of parties having access to a judicial determination where that is required. This was particularly acute in circumstances characterised by domestic violence or an inequality of bargaining power for other reasons. The contrasting case studies from cases commencing prior to the introduction of the PPP500 program show how parties can experience greater costs and delays associated with property/financial proceedings without access to a registrar-led process.

## Processes supporting financial disclosure

The administrative data and interview data each provide insight into the extent to which the PPP500 process supports financial disclosure. As one marker of financial disclosure, the administrative data show that financial summaries or financial statements were almost always filed in PPP500 matters, with these filings marginally

higher than in non-PPP500 matters.<sup>2</sup> The court file data also indicate that, overall, there is improved disclosure in the PPP500 process as compared to the non-PPP500 comparison process, with applicants in the Year 2 PPP500 files were more likely to disclose superannuation in their name only than the non-PPP500 comparison applicants to a statistically significant extent (88% cf. 77%). The data also show that Year 1 PPP500 respondents were more likely to disclose superannuation assets in their own names than non-PPP500 comparison respondents to a statistically significant extent (73% cf. 60%).

The qualitative data also provided insight into whether the PPP500 processes supported financial disclosure. Some parties and professionals observed that the financial summary form was simpler and more cost-effective for financially vulnerable parties including those who were self-represented as compared to the financial statement and affidavit in mainstream cases. Nevertheless, the parties interviewed for this evaluation did raise concerns about whether their former partner/spouse had made full and frank financial disclosure. There were also a range of reflections that professionals shared in relation to financial disclosure more generally. Some professionals reflected positively on the processes in the registrar-led limb and the skilled registrars implementing them as supporting earlier and more comprehensive financial disclosure in these in small pool property matters. Other professionals identified limited difference between mainstream processes and the PPP500 processes on the question of financial disclosure. There were also those professionals who reflected that financial disclosure was less of an issue in PPP500 matters because of the size and lower level of complexity of the PPP500 asset pools, but there were also some professionals who expressed frustration at the challenges where parties failed to make full and frank financial disclosure, including circumstances where judicial involvement may be necessitated. Particular challenges in this regard were identified where parties were self-represented or where parties lacked access to relevant documentation in circumstances characterised by family violence or because they lacked computer literacy or access to technology.

## Asset profiles and financial and non-financial contributions

Overall, the average mean value of net assets was similar across both PPP500 and non-PPP500 matters: \$297,927 for Year 1 PPP500 files; \$309,251 for Year 2 PPP500 files; and \$309,985 for non-PPP500 comparison files. More specifically, the court file data show that superannuation was the most frequently identified asset across all file types (86% of Year 1 parties; 87% of Year 2 parties; and 77% of non-PPP500 parties). Parties in PPP500 matters were more likely to nominate their homes as assets than non-PPP500 comparison group parties; however, the variations in the financial forms to be completed by the parties may contribute to this difference.

When financial and non-financial contributions were considered, men were more likely to make claims involving higher financial contributions than women and women were more likely to make a claim of homemaker and parenting contributions such as caring for children, performing household tasks, and other caring contributions (between 78% and 86% of women compared with 57%–68% of men). Conversely, a higher proportion of men claimed contributions other than homemaker and parenting, such as improving property or designing or decision making to improve property. These data show that 39%–54% of men made at least one of these claims compared to 27%–44% of women.

The data on claims made about additional considerations and future needs relating to care of children, income prospects and/or illness health issues were limited but the available data show that, overall, a higher proportion of women in PPP500 matters made at least one of these claims (12%) compared with 4% of men. There was little difference in the prevalence of each claim made between PPP500 and non-PPP500 files for both genders, except for claims about illness/health issues by women, this proportion was higher in non-PPP500 files (7%) compared with 3% in PPP500 files.

## Outcomes in PPP500 Pilot matters: improvements in financial wellbeing

Quantitative data from the court files, together with qualitative data from the interviews with parties and professionals and from the case studies, together with the social return on investment analysis, are illustrative of improvements in the financial wellbeing of parties participating in the PPP500 Pilot program. These improvements firstly stem from the parties' access to a simple, quick and affordable process to resolve post-separation financial arrangements, as outlined above, enabling parties to formalise their post-separation

<sup>2</sup> It is noted that absent financial statements and financial summaries may relate to matters where leave was being granted to file an application without a financial statement/financial summary or matters that were requisitioned and the document filed shortly after the initiating application, or they may reflect a data entry issue.

arrangements in enforceable court orders and to sever the financial relationships in circumstances where access to a court process would not otherwise have been feasible or cost-effective.

The improvements in financial wellbeing are also evident in the tangible outcomes for parties participating in the PPP500 in a range of categories indicated in the court file data. When considering outcomes in terms of the distribution of net assets, although analysis by gender overall shows outcomes with a 54%/46% average asset division in favour of women across each of the samples, analysis of the court file sample shows that in Year 2 PPP500 files, the mean allocation to the applicant was 51% in the atypical scenario where the male was the applicant and 55% in the typical scenario where the female was the applicant. In the non-PPP500 comparison files, the allocation was 45% to the applicant in the atypical scenario and 52% in the typical scenario. The Year 2 PPP500 data suggest that when women were applicants in the PPP500 matters, they were more likely to secure a greater percentage of the net asset pool than female applicants in the non-PPP500 comparison sample, with the average percentage of net assets at 55% in those Year 2 PPP500 matters compared to 52% of female applicants in the non-PPP500 comparison sample. The findings also demonstrate that in PPP500 matters, male applicants are less likely to receive asset allocations in the lowest range (0%–39%) compared with male applicants in the non-PPP500 comparison sample.

When considering outcomes in the registrar-led limb as compared to the judge-led limb, it is important to note that the data indicate that women were more likely to receive a higher percentage of the net assets where their matter resolved in the judge-led limb to a statistically significant extent (59% cf. 51%), while males were more likely to receive a higher average percentage of the net assets where their matter resolved in the registrar-led limb (49% cf. 41%). Of note, women were more likely to receive a percentage asset split in the 70%–100% range in the judge-led limb to a statistically significant extent (24% cf. 11%).

In this context, it is important to acknowledge the variation in registrar-led limb and judge-led limb cases, with the average duration of registrar-led limb matters being 4.8 months compared to 7.9 months for judge-led limb cases with this difference being statistically significant. It is also notable that judge-led limb matters were almost twice as likely to involve allegations or evidence on file relating to family violence compared to registrar-led limb matters, with this difference also being statistically significant. These data, together with data from the qualitative interviews, suggest that some parties are settling their matters in the registrar-led limb to avoid the cost, stress and uncertainty of continuing to pursue their matters in the judge-led limb.

Looking specifically at outcomes in PPP500 matters according to court registry location, the data show that women secured a higher average percentage of net assets in Melbourne (55%) and Parramatta (55%) compared to 51% in Brisbane and 52% in Adelaide, although caution should be exercised when interpreting these data given the small sample sizes for Parramatta.

In relation to the transfer of property interests between parties, the most common outcomes in both samples involved the respondent female keeping the real property and a payment being made to the applicant male. The next most common outcome involved property being sold, with payments (or debt) apportioned between the parties. Where applicants were female, the average payment granted to the applicant reflected 83% of funds from the net proceeds of sale in PPP500 matters and 81% in non-PPP500 matters. Where applicants were male, these average proportions were 44% (PPP500) and 45% (non-PPP500). Also of note, female applicants in PPP500 matters were more likely to retain the real property without making a payment (10%) than in non-PPP500 comparison matters (5%).

## Fair and enforceable outcomes

Data from both the quantitative and qualitative elements of this evaluation provide insight into the fairness and enforceability of outcomes in PPP500 Pilot matters.

The findings in relation to the assessment of contributions and additional considerations relevant to determining 'just and equitable' property/financial settlements demonstrate a general pattern where claims made in relation to homemaker contributions were associated with a higher division of net assets. For women in PPP500 files, those who detailed homemaker contributions received an average of 53% of the net asset pool compared to 48% of those who did not detail homemaker contributions. A similar pattern held for PPP500 men, with an average net asset division of 50% for those detailing homemaker contributions compared to 42% where no such contribution was detailed. For non-PPP500 women, the pattern was similar, with an average net asset division of 54% for those detailing homemaker contributions compared with 48% for those not detailing such contributions.

Analysis relating to claims made about caring for children of the relationship show that the pattern evident in relation to general homemaker contributions was even more marked, with caring for children contributions

associated with higher shares, most notably for women. However, in PPP500 files, women who raised a caring for children contribution claim gained an average net asset allocation of 56% compared to 59% for women in non-PPP500 files, but this difference was not significantly different in a statistical sense. For men in PPP500 files, a caring contribution claim was associated with a 47% average net asset division compared with 40% for men who did not raise such a claim. Claims made in relation to other non-financial contributions indicate that where women in PPP500 matters raised these contributions, on average, they received 54% compared to 51% for those who did not.

The analyses also show that the division of net assets granted in PPP500 matters was similar for women with or without allegations of family violence, with an average division of 53% where there was an allegation of family violence, compared with 52% where there was no allegation of family violence. Where there was an allegation of family violence on file, 16% of female parties had an asset split in the 70%-100% compared with 13% where there was no such allegation. A more marked difference was noted in non-PPP500 files, where female parties were granted an average division of 59% where there was an allegation of family violence on file compared with 49% where there was not an allegation. Factors that may be relevant in this context included the absence of affidavit material in PPP500 matters; parties engaging in the PPP500 simplified process potentially including families with less complex dynamics; and higher rates of self-represented parties in the PPP500 that might mean court forms were prepared without the benefit of legal advice.

Data from the qualitative interviews with parties and professionals also provide insight in relation to the achievement of fair and enforceable outcomes. Parties were mixed in their assessment of whether the outcomes in their PPP500 matters were fair. Having access to a legal process, thereby empowering disadvantaged parties, was characterised as being fair. However, parties were reluctant to describe the outcomes as fair where they considered the financial implications of their orders. In this context, it is noted that only around a quarter of parents participating in Wave 3 of the LSSF reported that they considered the outcome in their property settlement to be fair (Qu et al., 2014, Table 6.15). Almost half of the professionals participating in the qualitative interviews indicated that the PPP500 Pilot facilitated fair outcomes, citing the requirement for registrars and judges making orders for property settlement to be satisfied that the orders were just and equitable. Professionals also cited the requirements relating to early financial disclosure as supporting fair outcomes. Other professionals were hesitant or expressed ambivalence about whether outcomes could be described as fair or preferred to describe outcomes as within the range of outcomes that may be ordered by the court or that they were commercial outcomes or the PPP500 process was 'as fair as it can be', meaning that outcomes were not considered to be any fairer within the pilot, when compared with the mainstream court processes. This group of professionals highlighted the key to fair outcomes was legal representation for parties, which was not available to all parties accessing the pilot.

The affordability of the PPP500 legal process was endorsed by professionals who reflected positively on the PPP500 as enabling them to achieve commercial outcomes for parties with limited resources. Both parties and professionals noted the subjectivity of the concept of fairness and considered the 'bigger picture' where the financial and emotional/psychological costs and stress of litigation are avoided. Some professionals compared the outcomes achieved in the PPP500 Pilot to those generally achieved by other processes available to this client base, suggesting that while the 'fairest' outcome would be achieved by progressing to judicial determination, the 'best' outcome for many parties accessing this pilot is an outcome that provides them access to a legal process where they have the opportunity to retain as much of their limited funds as possible. Emphasis was also placed on the benefit to parties of obtaining enforceable court orders in PPP500 matters. However, the sustainability of outcomes in the PPP500 Pilot was difficult to determine given the relatively short duration of the pilot, with some parties reflecting on their experiences where their former partner was yet to comply with the orders. Some professionals considered that parties were less likely to experience issues with enforcement of orders if they were provided with the opportunity to achieve an agreement by consent, with the requirement of early financial disclosure in the PPP500 Pilot process identified by some professionals as being crucial to facilitating sustainable outcomes for parties with small property pools. Access to court orders that could be enforced were identified as encouraging sustainable resolutions in so far as they compel compliance with an arrangement as compared to agreement in the absence of court orders.

## Adjustments to support effective implementation

The evaluation evidence indicates several places where adjustments could improve the effective implementation of the pilot on a long-term basis.

The role of legal advice and representation in enabling parties to navigate the legal process and to make informed decisions in relation to settlement options were critical considerations relevant to the effective implementation of the PPP500 Pilot. If changes were made in this regard, increased resources would be required either to the court or to legal aid commissions or community legal centres to support the provision of these additional services.

The national expansion of the PPP500 Pilot was also identified as a means of enhancing the achievement of just and equitable outcomes for all parties with small property pools. Some professionals also reflected on the need to strengthen the interrelationship between the PPP500 Pilot and the LAC Trial to ensure that parties could be effectively referred to either the LAC Trial or PPP500 program.

Professionals considering the effective implementation of the PPP500 also raised the expansion of the eligibility criteria to enter the program. Some professionals recommended flexibility in relation to parties with concurrent parenting proceedings, observing that being exclusively focused on property/financial matters disadvantaged parties who had experienced family violence. These professionals indicated that the focus on property and financial matters in isolation of the care arrangements for children limited the PPP500 Pilot's ability to ensure just and equitable outcomes, particularly for vulnerable parties with small property pools. The inclusion of superannuation holdings within the \$500,000 limit for small pool property matters was also identified as an area requiring reconsideration, as well as flexibility in regard to other exclusion criteria relating to parties with small businesses operating in company structures (see further below).

In addition to suggestions relating to the delegation of increased powers to enable registrars to manage and appropriately respond to non-compliance without referral to a judicial officer, professionals also reflected on the potential for additional resourcing in the registrar-led limb to provide court-based support parties to navigate the PPP500 process and to facilitate access to mediation or arbitration options. On the other hand, some professionals called for the consideration of additional streamlining of the PPP500 process to reduce the number of court events and the time between the conciliation conference and final hearing, together with further simplification of the documentation required to be filed by parties in the PPP500 Pilot, and encouraging parties or their lawyers to file the financial summary in the first instance. Amendment of the financial summary was also suggested to include a section focusing on family violence in order that the registrar managing the case be better apprised of the vulnerable party's circumstances.

## Definition of small value property matters

Based on:

- the consideration of data from a representative sample of property-related matters finalised in the Federal Circuit and Family Court of Australia indicating that the median value of net assets from the non-PPP500 comparison sample of property matters finalised between 2018/19 and 2019/20 financial years was \$546,241
- ABS household wealth data indicating that the median net value of assets for Australian households is \$579,200
- insights from qualitative interviews with professionals indicating that the current eligibility criteria may mean that financially disadvantaged and vulnerable clients would be excluded from the PPP500 program in the context of rising house prices and parties' increased superannuation holdings
- the objectives of the Women's Economic Security Package (WESP) and the PPP500, in particular, in providing access to affordable property settlement outcomes for vulnerable parties.

it is recommended that consideration be given to a small value property definition for the further implementation of the PPP500 that includes net assets up to \$550,000 and excludes the valuation of superannuation assets in the calculation of the net property pool for the purpose of entry into the PPP500 program.

Volatility in the real estate market and variations between states and territories are factors that are also indicative of the need to periodically review the definition of small value property matters for an effective implementation of the PPP500 program on an ongoing basis.

## Economic and social benefits of PPP500 Pilot

The SROI analysis indicated that for every \$1.00 invested in PPP500, \$3.88 of social value was generated for the PPP500 Pilot stakeholders. Most of the social value was generated for the parties (95%). Increased non-financial benefits from legal proceedings (improvements in wellbeing) comprised 81% of the social value. The SROI ratio was robust to alternative assumptions. The one-way sensitivity analysis showed that the SROI ratio was above 1 under alternative assumptions. Together, the results suggest that the PPP500 Pilot is both a prudent and efficient means of assisting parties to resolve their post-separation property and financial arrangements.

It is important to acknowledge that there are a number of limitations to this SROI. The quantitative and qualitative elements of this evaluation have illustrated that the benefits that were identified as objectives of the WESP that established the PPP500 Pilot that could not be monetised in this SROI analysis included parties' access to:

- a simple, timely and cost-effective court-based dispute resolution option where other dispute resolution options are not feasible and resolution is unlikely in the absence of this court-based intervention
- a case-managed court process that empowers disadvantaged parties by addressing power imbalances while supporting parties to resolve their disputes on the basis of improved financial disclosure (including in relation to superannuation holdings)
- court orders that:
  - address outstanding property and financial arrangements to allow parties to re-establish themselves post-separation (e.g. through the liquidation of assets, superannuation splitting and/or the refinancing of and indemnification against debt), which may in turn reduce reliance on social security benefits
  - formalise these post-separation property and financial arrangements providing a record of the finalised arrangements that can be enforced by the court if required and that mitigates against attempts to reopen the matter or to issue future proceedings
- reduced time, stress and anxiety associated with legal proceedings and the exposure to ongoing family violence, with these effects experienced by parties and their children and other family members and the parties' lawyers during protracted litigation
- outcomes that supported improved emotional wellbeing of parties and their children in addressing unresolved post-separation property and financial arrangements and formally ending the financial relationship of separated and divorced parties.

Additionally, it is important to acknowledge that due to the limitation of available data, the costs and benefits of non-finalised cases could not be estimated with the potential for this to impact on the analysis. If non-finalised PPP500 matters required more time to resolve than non-PPP500 matters, this would affect the calculation of reduced savings with respect to legal fees, improvement in life satisfaction and the reduction or prevention of income loss. It is also important to acknowledge the possible impact of the COVID-19 pandemic and restrictions on the operation and outcomes of the PPP500 Pilot.

## Conclusion

In conclusion, the findings of this evaluation support the implementation of the PPP500 Pilot on an ongoing basis with a national rollout. It is an efficient way of assisting parties with modest property pools to resolve post-separation financial matters. With a slight adjustment to the entry criteria based on exclusion of superannuation, the suggested definition is in line with average wealth profiles in the population.

# 1 Background

The Small Claims Property Pilot, also known as the Priority Property Pools under \$500,000 Pilot (PPP500 Pilot), is a new court-based model for small value property matters (up to \$500,000 including superannuation interests) being piloted in four Federal Circuit Court Registries (FCC). The PPP500 is an initiative funded under the Women's Economic Security Package (WESP). It aims to increase access to mechanisms to resolve post-separation property matters for parties (particularly women) in cases where the value of the property pool may make it uneconomic to pursue an outcome through family law system services (mediation or a court process) due to a gap in the availability of efficient, low-cost avenues for property settlement.

Applications for financial (property and/or maintenance) orders qualify for the PPP500 Pilot where:

- the net property of the parties (including superannuation interests) is, or is likely to be, \$500,000 or less, and
- there are no entities (such as a family trust, company, or self-managed superannuation fund) owned or in the effective control of either party that might require valuation or expert investigation, and
- neither party in the proceedings seeks orders for parenting or any other orders pursuant to Part VII of the *Family Law Act 1975*, the *Child Support (Assessment) Act 1989* and/or the *Child Support (Registration and Collection) Act 1988*, or by way of an enforcement of previous orders.

In 2020, 8,182 applications in property matters (property alone and property and children) were lodged in the FCC. In 2021, these applications numbered 8,123. This represents a slight decline from a range of 8,440 to 8,502 across the three previous years preceding the PPP500 Pilot, with the trend possibly being influenced by the COVID pandemic. In addition, in 2020, 238 matters were allocated to the PPP500 Pilot, compared with 5,788 property-only matters being managed through the non-pilot (non-PPP500) process. In 2021, 735 matters were allocated to the PPP500 Pilot, compared with 5,825 property-only matters in the non-PPP500 process.

## 2 Introduction

This report sets out the findings of the Evaluation of the Small Claims Property Pilot/Priority Property Pools under \$500,000 (now known as the PPP500 Pilot and referred to as such in this report). The PPP500 Pilot is a three-year program designed to provide access to simpler, quicker court processes for the resolution of post-separation property matters for litigants with net asset pools of \$500,000 or less (including superannuation). The Melbourne, Parramatta, Brisbane and Adelaide registries in the Federal Circuit Court of Australia (now the Federal Circuit and Family Court of Australia, FCFCoA) are piloting the program. The pilot and the evaluation are funded by the Commonwealth Attorney-General's Department under the Women's Economic Security Package (WESP).

The evaluation of the program extends over two years, commencing in 2020 and concluding in 2022. The evaluation methodology is based on three primary data sources:

1. administrative data extracted from the Court's CaseTrack administrative system
2. data from family law court files collected by the evaluation team (PPP500 files:  $n = 417$ ; non-PPP500 comparison files:  $n = 364$ )
3. qualitative interviews with parties ( $n = 4$ ) and professionals ( $n = 33$ ).

The evaluation also involves:

4. a selection of case studies drawn from each pilot site based on the court file and qualitative interview components of the evaluation to provide in-depth insights into the operation of the PPP500 Pilot in particular contexts
5. a social return on investment analysis based on the administrative, court file and qualitative interview datasets to measure the financial, economic, and social impacts of the pilot.

There are 23 evaluation questions guiding this evaluation research. These questions are outlined later in this section and addressed on the basis of insights from multiple data sources where possible.

### Rationale for the PPP500 Pilot

This Small Claims Property/PPP500 Pilot is one of two complementary initiatives funded under the WESP that aim to address the existing gap in the availability of efficient, low-cost avenues for resolving post-separation property/financial arrangements. This gap has been identified in several analyses, including the Productivity Commission's 2014 Access to Justice report,<sup>1</sup> the Women's Legal Services' Victoria Small Claims, Large Battles report<sup>2</sup> and the Australian Law Reform Commission's Review of the Family Law System.<sup>3</sup> The existing empirical evidence base indicates that the vast majority of separating families have modest asset pools of less than \$500,000 with simple asset profiles, most commonly comprised of the former family home, household chattels and motor vehicles and superannuation.<sup>4</sup> The data also suggest that most families do not access any support to resolve their post-separation property/financial arrangements.<sup>5</sup> Together, these data indicate a clear need for a low-cost and efficient court-based dispute resolution option that parties may access where required, and which will not outweigh the financial benefit of doing so.

Providing access to a court-led process is particularly important for parties with small value property matters where they are also experiencing family violence, with the experience of family violence associated with

<sup>1</sup> Productivity Commission, (2014), *Access to Justice Arrangements* (Inquiry Report No. 72, Vol 2).

<sup>2</sup> Women's Legal Services Victoria, (2018), *Small Claims Large Battles: Achieving Economic Equality in the Family Law System*.

<sup>3</sup> Australian Law Reform Commission, (2019), *Family law for the future: An inquiry into the family law system: Final report* (Report 135). ALRC. [www.alrc.gov.au/wpcontent/uploads/2019/08/alrc\\_report\\_135\\_final\\_report\\_web-min\\_12\\_optimized\\_1-1.pdf](http://www.alrc.gov.au/wpcontent/uploads/2019/08/alrc_report_135_final_report_web-min_12_optimized_1-1.pdf)

<sup>4</sup> Qu et al., (2014), *Post-separation Parenting, Property and Relationship Dynamics after Five Years*. Attorney-General's Department (Cth), pp. 92-94.

<sup>5</sup> Qu et al., (2014), p. 99.

difficulties in securing post-separation property/financial settlements and the receipt of a lower share of the asset pool.<sup>6</sup> For example, women experiencing family violence may be unable to initiate negotiations with their former partner, or they may settle for less than their entitlements so as to avoid the risk of being exposed to further family violence.<sup>7</sup> While avoiding formal legal processes may be appropriate for many families with small value property pools, a lack of access to court-led dispute resolution in circumstances where there is an inequality of bargaining power (such as that stemming from family violence and/or from a lack of full and frank financial disclosure) may lead to unfair outcomes or to financial stress and ongoing economic hardship where property/financial arrangements remain unresolved.<sup>8</sup> A simple and cost-effective court-led process with a focus on preventing the exposure of parties to family violence, therefore, has the potential to mitigate power imbalances and to ensure that evidence gathering and disclosure occurs expediently and efficiently with the view to achieving just and equitable (and enforceable) orders for the division of assets.

## PPP500 Pilot objectives

According to the request for quotation documentation issued by the Australian Attorney-General's Department (AGD) for this evaluation, the objectives of the pilot are as follows:

1. Develop and trial a more accessible, simplified and quicker method of resolving small claims family law property disputes up to the value of \$500,000.
2. Expected benefits under the pilot include:
  - greater access to judicial decisions regarding family law property division following separation, especially for parties experiencing family violence or economic abuse, where there is inequality in bargaining power or risk of economic hardship arising from an unresolved property dispute, and for self-represented litigants
  - improved financial wellbeing and stability, including alleviated economic hardship and financial stress, especially for parties experiencing family violence or economic abuse, or where there is inequality in bargaining power or risk of economic hardship arising from an unresolved property dispute
  - reduced complexity in the process required to obtain a judicial decision
  - quicker judicial decisions
  - fairer and enforceable outcomes for parties who resolve their dispute through consent orders
  - better financial disclosure.

The complementary initiative funded under the WESP involves a trial program for legal aid commissions to provide legally assisted mediation for small value property matters (up to \$500,000 excluding debt and superannuation) (the LAC Trial). This evaluation and the evaluation of the LAC Trial are interdependent in several respects, including in the development of baseline data from which inferences in relation to the impact of the PPP500 Pilot and the LAC Trial have been drawn. This interdependency is also relevant to the strategies for tracking matters that move between the LAC Trial and the PPP500 Pilot.

## Pilot process

For a matter to qualify as a PPP500 matter, parties filing their initiating application in the then Federal Circuit Court [and now Federal Circuit and Family Court of Australia (Division 2)] are required to be seeking property/financial orders only, on or after 1 March 2020, in Melbourne, Parramatta, Brisbane or Adelaide where:

- the value of the net property of the parties (including superannuation interests) is (or appears to be) under \$500,000; AND
- there are no entities (such as a family trust, company, or self-managed superannuation fund) owned or in the effective control of either party that might require valuation or expert investigation; AND

<sup>6</sup> Qu et al., (2014), and Women's Legal Service Victoria, (2018), *Small Claims, Large Battles: Achieving Economic Equality in the Family Law System*, p. 29. See also Belinda Fehlberg and Christine Millward, (2014), *Family violence and financial outcomes after parental separation in Families, policy and the law: Selected essays on contemporary issues for Australia*, edited by Hayes, A., and Higgins, D., 1 ed., A243; Emma Smallwood, (2015), *Stepping Stones: Legal Barriers to Economic Equality after Family Violence*, Women's Legal Service Victoria; Peta Cox, (2015), *Violence Against Women: Additional Analysis of the Australian Bureau of Statistics' Personal Safety Survey*, Australia's National Research Organisation for Women's Safety.

<sup>7</sup> Australian Law Reform Commission, (2019), *Family Law for the Future: An Inquiry into the Family Law System. Final report*, p. 214.

<sup>8</sup> Productivity Commission, (2014), *Access to Justice Arrangements* (Inquiry Report No. 72, Vol. 2), p. 872.

- neither party in the proceedings seeks orders: for parenting or any other order pursuant to Part VII of the FLA pursuant to the *Child Support (Assessment) Act 1989* and/or the *Child Support (Registration and Collection) Act 1988*, or by way of an enforcement of an order or obligation whether a parenting or financial obligation UNLESS
- the court makes a declaration or notation that the case is designated as a PPP500 case.<sup>9</sup>

The PPP500 Pilot involves two streams. The first stream involves registrar-led resolutions (registrar-led limb) where a judicial registrar can assist the parties to resolve their post-separation property and financial arrangements by consent. The second stream involves a judge-managed short-form process (judge-led limb), taking a procedurally simpler process with the option to progress to a judicial determination in cases where parties are unable to reach resolutions via the registrar-led limb (FCFCoA, 2021; FCFCoA, Practice Direction 2, 2020). Except in matters requiring an urgent listing, PPP500 matters are allocated a first court date in the first available duty list before a registrar 35 days after the applicant files their initiating application. This allows time for the respondent to be served and to file and serve their response and accompanying documents and for the registrar to consider the PPP500 matter in chambers and make relevant directions prior to the first court date. Regular meetings between PPP500 judicial registrars take place to ensure consistency of practice and to facilitate consideration of issues relevant to the operation of the PPP500 program (FCFCoA, 2021, unpublished).

This contrasts with the 'business as usual' processes for applications seeking both property/financial and parenting orders that follow the standard litigation process and, to a lesser degree, with applications for property/financial orders only that are dealt with in what was previously identified as the Discrete Property List. The Discrete Property List was operating in each of the pilot locations (although not all registries of the then Federal Circuit Court) and was used to describe the property lists being undertaken by registrars prior to the commencement of the FCFCoA on 1 September 2021.<sup>10</sup> Rather than being listed before a judge, which is the approach for matters in the standard litigation process, non-PPP500 matters that were listed in the Discrete Property List were initially listed before a registrar for a targeted period of 90 days (from the first return date) and follow a streamlined process intended to promote efficient case management practice and minimise delay and expense. If the matter was not resolved in the registrar's Discrete Property List, it was then likely to move to standard judicial case management.

## Property and financial matters: the legislative framework

This section outlines the legislative framework that applies to post-separation property division under the *Family Law Act 1975* (Cth). The framework has two separate sets of provisions for formerly married couples (FLA Part VIII) and former de facto couples (Part VIIIAB). These provisions largely mirror one another.

Decision making in relation to post-separation property and financial matters is guided by a discretionary principle that requires courts to only make orders altering property interests if satisfied that it is 'just and equitable in all the circumstances' to do so (FLA s 70(2), s 90SM(3)). In exercising this discretion, courts must identify legal and equitable interests in property (as well as assessing financial resources). Key considerations guiding the exercise of the discretion are an assessment of the parties contributions to the property pool and to the welfare of the family (FLA s 79(a)(d)-(g)/s 90SM(4)(d)-(g)). A range of contributions are recognised, including property and financial resources brought into the relationship by one or both parties, as well as financial and non-financial contributions to the acquisition, conservation or improvement to property and contributions to the welfare of the family. An additional set of considerations directs attention to the 'future needs' of the parties, including age and state of health, income property and financial resources, caring responsibilities for dependent children and financial obligations towards others (FLA s 75(2) and s 90SF(3), imported into the just and equitable assessment via s 79(4)(e) and s 90SM(4)(e)). These so-called future needs factors are also the provisions that guide the exercise of discretion in relation to orders for spousal maintenance, which may be ordered when a court considers orders in relation to this issue are 'proper' (FLS s 74, s 90SE(1)).

Among the considerations that are not set out in the legislative framework but are recognised in case law are two issues that are referred to further in this evaluation. The first relates to whether one or both parties has behaved in a way that has incurred financial losses (see Fehlberg, Kaspiew, Millbank, Kelly, & Behrens, 2014, pp. 553-558) (referred to as 'wastage' in this evaluation). The other is whether or not a party has engaged in a course of

<sup>9</sup> Federal Circuit and Family Court of Australia (FCFCoA), Practice Direction 2 of 2020 – Case Management – Family Law (Priority Property Pools under \$500,000) Financial Cases

<sup>10</sup> See Federal Circuit and Family Court of Australia, Financial Proceedings (Fam-Financial) Family Law Practice Direction, 1 September 2021 (Amended 17 November 2021).

violent conduct that should be taken into account in considering how assets should be divided (*Kennon v Kennon* (1997) FLC 92-757, 94,294).

This evaluation reflects this legislative framework and case law. The data collection instrument was designed to collect data on relevant issues under the framework as part of the assessment in relation to 'fair' outcomes in PPP500 and non-PPP500 matters. Data were collected on the size and composition of the assets pools, arguments made by the parties in relation to contributions, future needs, wastage and family violence, as well as the outcomes in matters in terms of how property, financial resources and debt were re-distributed.

## Evaluation methodology

In addition to the administrative data extracted from the court's CaseTrack administrative system, the data from court files and the qualitative data from interviews with parties and professionals, the evaluation includes three additional elements that are based on these data. These are a social return on investment analysis assessing the economic benefit of the pilot to parties and the government, a case study component based on four case studies representing different resolution mechanisms in each of the four pilot registries and an empirically informed recommendation on the definition of a small value property pool that should be applied if the pilot approach is to be maintained on an ongoing basis. A full description of the evaluation methodology is provided in Appendix 1.

## Evaluation questions

Having regard to the objectives of the program, the program logic and the request for quotation documentation issued by the AGD, the evaluation research questions presented below were developed to guide the evaluation and assist in the development of the Data Collection Framework guiding the fieldwork throughout the evaluation process.

### Program impact

1. Has the pilot resulted in vulnerable parties<sup>11</sup> having greater **access to judicial decisions** (where required) in relation to property settlement following separation?
  - If the pilot had not been available, to what extent would the parties assisted have: used a different mechanism, such as direct negotiation, paid for a private lawyer, used mainstream court proceedings or walked away from the situation?
2. Has the pilot resulted in vulnerable parties having greater access to **affordable property settlement** outcomes following separation?
  - If the pilot had not been available, to what extent would the parties assisted have: not had access to a property settlement at all or had to pay more to secure a property settlement?
3. Has the pilot resulted in vulnerable parties having **greater access to simple and quick property settlement outcomes** following separation?
  - If the pilot had not been available, to what extent would the parties assisted have: not had access to a property settlement at all or had to engage in more complex and time-consuming processes to secure a property settlement?
  - What are the differences between the processes applied in the pilot and those applied in non-pilot property and financial matters?
  - Is there any difference between the pilot and non-pilot samples in relation to resolution time frames and procedural profiles?
4. Have parties who received services under the pilot experienced improved **financial wellbeing** as a consequence of their involvement in the pilot?
  - Would the parties assisted in the pilot have been in a worse financial position if they had not been assisted in the pilot?
5. Has the pilot supported an **increase in orders by consent and orders by judicial determination for small value property claims**?
  - To what extent have the pilot processes assisted parties to resolve their property settlement by consent?

<sup>11</sup> In this context, vulnerability may arise where: a party experiences family violence, economic abuse, inequality of bargaining power or a risk of economic hardship arising from an unresolved property dispute: Australian Attorney-General's Department. (2019). *Request for Quotation 19/302 - Evaluation of the Small Claims Property Pilot under the Deed of Standing Offer for Research, Evaluation and Data Panel* SON3385995, p. 3.

- What proportion of matters dealt with in the pilot have produced orders by consent in full or partial settlement of the matter in the registrar-led limb?
  - How many parties have participated in the pilot and progressed from the registrar-led limb to the judge-led limb?
  - What proportion of matters dealt with in the pilot proceeded to full or partial judicial determination?
  - In matters where only some issues have been resolved in the pilot, what has happened to the outstanding matters?
  - Has there been any discernible reduction in mainstream court filings for property matters? If so, to what extent are these reductions attributable to the pilot?
6. Have the property settlement **outcomes in the pilot been fair** (i.e., facilitating increased access to justice and facilitating procedural fairness) and enforceable?
- Do the parties assisted in the pilot consider that the outcome is fair?
  - On average, how do outcomes produced in the pilot compare with outcomes in other similar cases (data source: Court file component – pilot data from the PPP500 court files and any small claims in mainstream court files sample)?
  - To what extent do parties assisted in the pilot return to court to issue enforcement proceedings?
7. Have the pilot processes **adequately supported financial disclosure**?
- What processes are used in the pilot to support financial disclosure?
  - Are there any differences in the procedural and evidentiary profiles of the pilot and non-pilot samples?
  - Are professionals involved in the pilot satisfied that there has been appropriate financial disclosure in the matters resolved in the pilot?
  - Is there any evidence that matters progress from the registrar-led limb to the judge-led limb because of inadequate financial disclosure? How many matters dealt with in the judge-led limb involve costs or other orders that respond to inadequate financial disclosure?

## Intersection with the Lawyer-assisted Property Mediation – Legal Aid Commission Trial (LAC Trial)

8. How many parties have been **referred to the pilot from an LAC Trial** site?
9. How many parties have **participated in the trial and progressed from the trial into the pilot**?
10. Compared with trial locations where there is no pilot operating, is there **any difference in resolution patterns** dealt with in trial locations where there is a pilot operating?

## Further implementation

11. Are the registrar-led and judge-led limbs applied in the pilot **effective in meeting the objectives**?<sup>12</sup>
12. Is there a need for the models and approaches applied in the pilot to be **adjusted to support effective implementation on a long-term basis**? Is there a need for legislative amendments to facilitate meeting the objectives?
13. What **aspects of the model support effective delivery** of the model to vulnerable parties, including those affected by family violence and who have ongoing safety concerns? Should any of these aspects be adjusted? Are **additional features** required to effectively meet the needs of these parties?
14. What are the **similarities and differences in the pilot delivery approaches applied in each of the four pilot locations**?

## Social return on investment

15. Is the pilot an **efficient means** of assisting separating couples to resolve post-separation financial arrangements?
16. What in pilot matters are the **economic and social benefits to parties**, especially vulnerable parties, of **access to post-separation financial arrangements**, including spousal maintenance?
17. Having regard to the identified economic and social benefits, does the pilot represent an **effective use of Commonwealth resources** and does it provide economic benefits to government?

<sup>12</sup> Note that this question will be addressed on the basis of an analysis of aggregate data.

## Definition of small value property matters

18. What **range of values** (on a net basis, including negative equity and debt) do the asset pools that are dealt with in the pilot reflect?
19. What is the **median asset value** in a positive property pool dealt with in the pilot?
20. What is the **median debt value** in negative asset pools dealt with in the pilot?
21. What is the **cumulative value of spousal maintenance orders**?
22. If the matters resolved in the pilot had been resolved either in family dispute resolution/**mediation, lawyer-led negotiation** (involving party-funded practitioners) or through mainstream court proceedings, **what would the cost have been?**
23. Having regard to the financial circumstances of separated families on average, and the cost of legal and court proceedings, **how should small value property matters be defined** in recognition of the need to support access to justice for families with limited financial means by supporting proportionate resolution mechanisms?

## Structure of this report

This report has seven further sections. Section 3 provides analyses based on administrative data from CaseTrack in relation to the volumes of property matters dealt with by the court from 2012 to 2020, the volumes of matters dealt with in the PPP500 Pilot in year one and in year two and the proportion of matters where financial statements were lodged, proportions of self-represented litigants and resolution data. Section 4 is based on data collected from court files by the evaluation team. This section provides a procedural profile of PPP500 and non-PPP500 comparison matters, including resolution pathways. It provides a party profile for PPP500 and non-PPP500 comparison matters covering key socio-demographic characteristics. This section also provides case profiles and compares PPP500 and non-PPP500 matters in the following areas: asset profiles of the court file sample; the net value of assets in final orders; the number of real properties in final orders and the outcomes for parties. Section 5 presents findings based on qualitative data from the interviews with professionals and parties. Findings from the case studies in each of the pilot locations are presented in section 6 and the findings from the social return on investment analysis are presented in section 7, with section 8 presenting the definition of small value property pools. Section 9 synthesises the findings from each component of the evaluation presented in this report in the context of research questions.

### 3 Administrative data

This section provides insights based on the administrative data from the court's CaseTrack system. The first part of the discussion sets out the number of applications for property only and property and children matters over a seven year period from 2013 to 2020. These data comprise the pre-PPP500 administrative data. The second part focuses on how many matters were designated for the PPP500 stream in 2020 and 2021.

#### Pre-PPP500: Property/financial matter volumes 2013–2020

Table 1 sets out the number of initiating applications for property matters and combined property and children's matters filed in the Federal Circuit Court (FCC) between 2013 and 2020, being the pre-PPP500 period. Fairly consistent volumes are evident across years, with close to 6,000 property/financial only applications and between 2,183 and 2,512 combined applications filed each year.

It is worth noting that after three years of volumes in the 8,500 range for both property-only and combined matters from 2017 to 2019, volumes dropped to 8,182 in 2020, the year of the onset of COVID-19 in Australia. Although subsequent to the pre-PPP500 period, it is of relevance in that the number of initiating applications reduced further to 8,123 in 2021. The fact that the Year 1 and Year 2 implementation of the pilot coincided with the start of the pandemic, and that various restrictions were in place in the states where the PPP500 Pilot was operating, means that it is impossible to disentangle the influence of the COVID-19 pandemic from case volumes, in general and in the pilot.

A consistent trend is also evident in the volumes of responses to initiating applications across 2013–20 (bottom panel of Table 1), with a difference of around 1,400 between the volumes of initiating applications and responses in property-only matters across these years. That is, there were 76–80 responses per 100 applications in property-only matters across these years except 2022, which covers a partial financial year (51 responses per 100 applications). The lower ratio of responses relative to applications in 2022 is likely affected by a time lag between initiating applications and responses to the applications.

It is notable that there is a proportionately higher number of responses in combined property and parenting matters (91–93 responses per 100 applications involving both property and parenting matters, except for 2022 where there were 72 responses per 100 applications), indicating that this category of case is less likely to involve non-engagement by the respondent than property/financial only matters. The difference between initiating applications and responses in combined matters is around 200 annually.

**Table 1:** Federal Circuit Court: number of initiating applications and responses to application for financial (property and/or maintenance) orders

Type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Applications										
Property	5,824	5,825	5,960	5,897	6,056	5,990	5,977	5,788	5,825	2,459
Property & Parenting	2,183	2,201	2,295	2,360	2,428	2,512	2,463	2,394	2,298	767
<b>Total</b>	<b>8,007</b>	<b>8,026</b>	<b>8,255</b>	<b>8,257</b>	<b>8,484</b>	<b>8,502</b>	<b>8,440</b>	<b>8,182</b>	<b>8,123</b>	<b>3,226</b>
Responses										
Property	4,436	4,426	4,531	4,490	4,630	4,570	4,529	4,496	4,640	1,258
Property & Parenting	1,983	2,000	2,112	2,169	2,234	2,307	2,282	2,237	2,124	551
<b>Total</b>	<b>6,419</b>	<b>6,426</b>	<b>6,643</b>	<b>6,659</b>	<b>6,864</b>	<b>6,877</b>	<b>6,811</b>	<b>6,733</b>	<b>6,764</b>	<b>1,809</b>

**Notes:** Data are presented in financial years. Data for financial year 2022 cover partial full financial year, 1 July 2021–31 December 2021, when this report is prepared.

**Source:** Evaluation of the Small Claims Property Pilot – Administrative Data Request

## PPP500 volumes

Table 2 presents the number of initiating applications and responses in the PPP500 Pilot in 2020 (from the commencement of the PPP500 on 1 March 2020 to 30 June 2020), in 2021 (1 July 2020–30 June 2021) and in 2022 (from 1 July 2021–December 2021). In total, there were 1,350 initiating applications and 1,012 responses in PPP500 matters involving property. Consistent with the guidelines for the model, most of these involved property/financial only matters (1,169 applications and 864 responses). These data are compared with data relating to the filings in non-PPP500 matters in each of the pilot registries (see Table A.2 in Appendix 2).

Table 2 also shows that the number of PPP500 initiating applications across the four pilot registries varied across the time periods, with the highest number ( $n = 296$ ) in Brisbane and the lowest number ( $n = 116$ ) in Parramatta during the 2021 financial year. As a proportion of total property initiating applications, Brisbane had the highest, with PPP500 matters representing 22% of all applications and Melbourne had the lowest at 12% when considering the Year 1 and Year 2 data together (Table 3). This may in part reflect differences between the catchment areas of these registries in the average size of property pools, with lower property values in Brisbane compared to Melbourne meaning that a higher proportion of matters meet the eligibility guidelines for the PPP500 Pilot. It may also reflect the impact of COVID-19 lockdowns with more extensive lockdown restrictions in Melbourne during the 2020 and 2021 years of the PPP500 Pilot.

**Table 2:** Federal Circuit Court/Federal Circuit and Family Court: Number of initiating applications and responses for financial (property and/or maintenance) in PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Applications	Responses	Applications	Responses	Applications	Responses	Applications	Responses
<b>Adelaide</b>	55	47	162	123	46	21	263	191
Property	53	46	156	117	44	19	253	182
Property & Parenting <sup>a</sup>	2	1	6	6	2	2	10	9
<b>Brisbane</b>	177	121	296	227	94	49	567	397
Property	166	110	278	209	90	46	534	365
Property & Parenting <sup>a</sup>	11	11	18	18	4	3	33	32
<b>Melbourne</b>	70	58	215	196	53	33	338	287
Property	68	56	195	176	50	30	313	262
Property & Parenting <sup>a</sup>	2	2	20	20	3	3	25	25
<b>Parramatta</b>	40	32	116	92	23	12	179	136
Property	37	29	106	82	23	12	166	123
Property & Parenting <sup>a</sup>	3	3	10	10			13	13
<b>Total<sup>b</sup></b>	<b>343</b>	<b>259</b>	<b>789</b>	<b>638</b>	<b>218</b>	<b>115</b>	<b>1,350</b>	<b>1,012</b>
Property	324	241	735	584	207	107	1,266	932
Property & Parenting <sup>a</sup>	18	17	54	54	9	8	81	79

**Notes:** <sup>a</sup> Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot. <sup>b</sup> Small numbers of cases from Dandenong were included in the Total ( $n = 1$  for 2020,  $n = 2$  for 2022). Financial years 2020: 1 March 2020–30 June 2020; 2021: 1 July 2020–30 June 2021; 2022: 1 July 2021–31 December 2021.

**Source:** Evaluation of the PPP500 – Administrative Data Request

**Table 3:** Initiating applications for financial (property and/or maintenance) in PPP500 applications as a percentage of all FCC applications for financial (property and/or maintenance) filed in the pilot registries, 2020, 2021 and 2022

	2020 (%)	2021 (%)	2022 (%)	All (%)
<b>Adelaide</b>	7.9	23.7	17.2	16.0
Property	9.6	28.4	20.9	33.2
Property & Parenting	1.4	4.5	3.6	5.3
<b>Brisbane</b>	9.7	16.1	13.5	22.4
Property	12.2	20.2	16.4	27.8
Property & Parenting	2.3	3.8	2.7	5.4
<b>Melbourne</b>	3.6	10.8	6.6	12.1
Property	5.5	14.8	8.8	16.6
Property & Parenting	0.3	3.0	1.3	2.8
<b>Paramatta</b>	5.7	16.0	8.2	17.8
Property	7.5	20.2	10.3	22.2
Property & Parenting	1.5	4.9	0.0	5.0
<b>Total</b>	<b>6.7</b>	<b>15.0</b>	<b>10.7</b>	<b>18.5</b>
Property	8.9	19.5	13.3	23.8
Property & Parenting	1.2	3.7	1.8	4.1

**Notes:** Financial years 2020: 1 March 2020-30 June 2020; 2021: 1 July 2020-30 June 2021; 2022: 1 July 2021-31 December 2021. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

**Source:** Evaluation of the PPP500 – Administrative Data Request

## Financial statements

The extent to which financial statements or financial summaries were filed with Initiating applications and responses in PPP500 matters provides some insight into the extent to which financial disclosure has been made. The data show that failure to file a financial summary or a financial statement in PPP500 matters is unusual, with 99% of applications (Table 4) and 100% of responses filed together with a financial summary or financial statement (Table 5). Interestingly, the data suggest that applicants in Melbourne in the 2020 period and in Parramatta in the 2022 period did not file their financial summary or financial statement with their application in 7% and 13% of cases (Table 4). Respondents in all locations filed a financial summary or financial statement with their response (Table 5).

When compared to data relating to non-PPP500 matters (Table A.3 and Table A.4 in Appendix 2), applications and responses in non-PPP500 matters were marginally less likely to be lodged with a financial statement than in the PPP500 (97%). Between 8% and 20% of non-PPP500 applications and between 6% and 12% of responses in property only matters in the Parramatta Registry in the 2020, 2021 and 2022 periods were filed without a financial statement. These applications and responses comprised the primary proportion of applications and responses in this category across the four registries.

It is important to note that absent financial statements/financial summaries may relate to matters where leave was being granted to file an application without a financial statement/financial summary or to matters that were requisitioned and the document filed shortly after the initiating application, or they may reflect a data entry issue.

**Table 4:** Federal Circuit Court/Federal Circuit and Family Court proportion of *applications* filed with financial statements in PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications
<b>Adelaide</b>	55	100.0	162	100.0	46	100.0	263	100.0
Property	53	100.0	156	100.0	44	100.0	253	100.0
Property & Parenting	2	np	6	100.0	2	np	10	100.0
<b>Brisbane</b>	177	100.0	294	99.3	94	100.0	565	99.6
Property	166	100.0	276	99.3	90	100.0	532	99.6
Property & Parenting	11	100.0	18	100.0	4	np	33	100.0
<b>Melbourne</b>	65	92.9	214	99.5	53	100.0	332	98.2
Property	63	92.6	194	99.5	50	100.0	307	98.1
Property & Parenting	2	np	20	100.0	3	np	25	100.0
<b>Parramatta</b>	40	100.0	110	94.8	20	87.0	170	95.0
Property	37	100.0	100	94.3	20	87.0	157	94.6
Property & Parenting	3	np	10	100.0	0	np	13	100.0
<b>Grand total</b>	<b>338</b>	<b>98.5</b>	<b>780</b>	<b>98.9</b>	<b>215</b>	<b>98.6</b>	<b>1,333</b>	<b>98.7</b>

**Notes:** Financial years 2020: 1 March 2020–30 June 2020; 2021: 1 July–30 June 2021; 2022: 1 July 2021–31 December 2021. 'np' (not provided): when total number of applications is 5 or fewer, the percentage is not provided. Total number of applications are presented in Table 2. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

**Source:** Evaluation of the PPP500 – Administrative Data Request

**Table 5:** Federal Circuit Court/Federal Circuit and Family Court proportion of *responses* filed with financial statements/financial summaries in PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Number of responses with financial summary	As % of all PPP500 responses	Number of responses with financial summary	As % of all PPP500 responses	Number of responses with financial summary	As % of all PPP500 responses	Number of responses with financial summary	As % of all PPP500 responses
<b>Adelaide</b>	47	100.0	123	100.0	21	100.0	191	100.0
Property	46	100.0	117	100.0	19	100.0	182	100.0
Property & Parenting	1	np	6	100.0	2	np	9	100.0
<b>Brisbane</b>	121	100.0	227	100.0	49	100.0	397	100.0
Property	110	100.0	209	100.0	46	100.0	365	100.0
Property & Parenting	11	100.0	18	100.0	3	100.0	32	100.0
<b>Melbourne</b>	58	100.0	196	100.0	33	100.0	287	100.0
Property	56	100.0	176	100.0	30	100.0	262	100.0
Property & Parenting	2	np	20	100.0	3	Np	25	100.0
<b>Parramatta</b>	32	100.0	92	100.0	12	100.0	136	100.0
Property	29	100.0	82	100.0	12	100.0	123	100.0
Property & Parenting	3	np	10	100.0	0	np	13	100.0
<b>Grand total</b>	<b>259</b>	<b>100.0</b>	<b>638</b>	<b>100.0</b>	<b>115</b>	<b>100.0</b>	<b>1,012</b>	<b>100.0</b>

**Notes:** Financial years 2020: 1 March 2020–30 June 2020; 2021: 1 July 2020–30 June 2021; 2022: 1 July 2021–31 December 2021. 'np' when total number of responses is 5 or fewer, the percentage is not computed. Total number of PPP500 responses are presented in Table 2. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

**Source:** Evaluation of the PPP500 – Administrative Data Request

## Legal representation

The data in Table 6 show the number of PPP500 matters involving parties who were never legally represented. The data show that just over a quarter of parties were never represented in PPP500 matters, with the total highest proportion being litigants in the Brisbane registry (34%) and the lowest being litigants in the Melbourne registry (16%). When analysed as a proportion of all property/financial applications, the data show that parties in PPP500 matters are more likely to be self-represented than in other property/financial matters. Table 7 presents the extent to which PPP500 matters and non-PPP500 matters involved self-represented litigants during the proceedings in the pilot evaluation period (2020 and 2021). The data show the rate of matters involving self-representation were higher for PPP500 matters compared to non-PPP500 property-only matters. Nearly six in 10 PPP500 matters (59%) involved self-represented litigants, while one in 10 non-PPP500 property-only matters (11%) involved self-represented litigants.

**Table 6:** Federal Circuit Court/Federal Circuit and Family Court proportion of PPP500 matters involving litigants (applicant/respondent) who were never legally represented 2020 to 2022

	2020		2021		2022		All	
	Litigants who were never represented	As % of all PPP500 matters	Litigants who were never represented	As % of all PPP500 matters	Litigants who were never represented	As % of all PPP500 matters	Litigants who were never represented	As % of all PPP500 matters
<b>Adelaide</b>	7	12.7	30	18.5	22	47.8	59	22.4
Property	7	13.2	30	19.2	21	47.7	58	22.9
Property & Parenting	0	np	0	0.0	1	np	1	10.0
<b>Brisbane</b>	66	37.3	79	26.7	50	53.2	195	34.4
Property	62	37.3	78	28.1	48	53.3	188	35.2
Property & Parenting	4	36.4	1	5.6	2	np	7	21.2
<b>Melbourne</b>	8	11.4	30	14.0	17	32.1	55	16.3
Property	8	11.8	27	13.8	17	34.0	52	16.6
Property & Parenting	0	np	3	15.0	0	np	3	12.0
<b>Parramatta</b>	5	12.5	20	17.2	12	52.2	37	20.7
Property	4	10.8	19	17.9	12	52.2	35	21.1
Property & Parenting	1	np	1	10.0	0	np	2	15.4
<b>Grand total</b>	<b>86</b>	<b>25.1</b>	<b>159</b>	<b>20.2</b>	<b>103</b>	<b>47.2</b>	<b>348</b>	<b>25.8</b>

Notes: 2020: 1 March 2020–30 June 2020; 2021: 1 July 2020–30 June 2021; 2022: 1 July 2021–31 December 2021. 'np': when total number of responses is 5 or fewer, the percentage is not computed. Total number of all matters are presented in Table 2. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

Source: Evaluation of the PPP500 – Administrative Data Request

**Table 7:** Property-only matters that involved self-represented litigants, PPP500 matters and Non-PPP500 matters in the pilot period (2020 and 2021)

	All PPP500 property-only matters	PPP500 property-only matters involving self-represented litigants		All Non-PPP500 property-only matters	Non-PPP500 property-only matters involving self-represented litigants	
	Number	Number	As % of all property-only matters	Number	Number	As % of all property-only matters
Adelaide	209	103	49.3	895	110	12.3
Brisbane	444	343	77.3	2,289	195	8.5
Melbourne	263	118	44.9	2,296	320	13.9
Parramatta	143	56	39.2	877	102	11.6
<b>All</b>	<b>1,059</b>	<b>620</b>	<b>58.5</b>	<b>6,357</b>	<b>727</b>	<b>11.4</b>

Note: Non-PPP500 data were derived from all matters less PPP500 matters.

Source: Evaluation of the PPP500 – Administrative Data Request

## Resolutions

The administrative data presented in Table 8 indicate that the overwhelming majority of finalised PPP500 matters resolve with final orders for property settlement (97%), with very small proportions of PPP500 applications being dismissed, withdrawn, discontinued or struck out. There were some variations between registries; however, strong majorities in all locations were resolved with final orders. Considered together with the data in Table 9, these data indicate that while the vast majority of all property/financial matters reach final resolution (94%), this is more pronounced for PPP500 Pilot matters. This pattern applied to all four pilot sites but was more apparent for Adelaide, Brisbane and Melbourne.

**Table 8:** Federal Circuit Court/Federal Circuit and Family Court resolution types in PPP500 matters (2020, 2021 and 2022)

	Final resolution	Dismissal	Withdrawal	Discontinued	Struck out	Final resolutions as % of all outcomes
<b>Adelaide</b>	176	1	0	4	2	96.2
Property	175	1	0	4	2	96.2
Property & Parenting	1	0	0	0	0	np
<b>Brisbane</b>	392	6	0	6	0	97.0
Property	382	6	0	6	0	97.0
Property & Parenting	10	0	0	0	0	100.0
<b>Melbourne</b>	225	1	1	1	1	98.3
Property	224	1	1	1	1	98.2
Property & Parenting	1	0	0	0	0	100.0
<b>Parramatta</b>	131	2	3	5	0	92.9
Property	124	1	3	5	0	93.2
Property & Parenting	7	1	0	0	0	87.5
<b>Grand total</b>	<b>926</b>	<b>10</b>	<b>4</b>	<b>16</b>	<b>3</b>	<b>96.6</b>
<b>Grand total (%)</b>	<b>96.6</b>	<b>1.0</b>	<b>0.4</b>	<b>1.7</b>	<b>0.3</b>	

**Notes:** Data include PPP500 matters that resolved from 1 July 2020–31 December 2021. 'np': Percentage is not provided due to small numbers. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

**Source:** Evaluation of the PPP500 – Administrative Data Request

**Table 9:** Federal Circuit Court/Federal Circuit and Family Court resolution types in all matters (2020, 2021 and 2022)

	Final resolution	Dismissal	Withdrawal	Discontinued	Struck out	Arbitration	Final resolutions as % of all outcomes
<b>Adelaide</b>	1,756	118	0	32	6	22	90.8
Property	1,359	87	0	26	4	20	90.8
Property & Parenting	397	31	0	6	2	2	90.6
<b>Brisbane</b>	4,470	104	7	163	0	11	94.0
Property	3,382	75	5	136	0	9	93.8
Property & Parenting	1,088	29	2	27	0	2	94.8
<b>Melbourne</b>	4,984	89	7	166	6	1	94.9
Property	3,270	49	4	115	6	1	94.9
Property & Parenting	1,714	40	3	51	0	11	94.2
<b>Parramatta</b>	1,665	34	29	41	1	33	92.3
Property	1,211	25	20	38	1	21	92.0
Property & Parenting	454	9	9	3	0	4	94.8
<b>Grand total</b>	<b>12,875</b>	<b>345</b>	<b>43</b>	<b>402</b>	<b>13</b>	<b>67</b>	<b>93.7</b>
<b>Grand total (%)</b>	<b>93.7</b>	<b>2.5</b>	<b>0.3</b>	<b>2.9</b>	<b>0.1</b>	<b>0.5</b>	

**Note:** Data include all matters that resolved from 1 July 2020–31 December 2021. Matters that involved property and parenting were likely to have commenced as property only matters with parenting matters introduced through an amended application and would then subsequently have been withdrawn from the PPP500 Pilot.

**Source:** Evaluation of the PPP500 – Administrative Data Request

## Additional insights from administrative data

The court provided additional administrative data to distinguish resolution outcomes in the registrar-led and judicial-led limbs. In the registrar led-limb, as at 30 November 2021, 58% of matters had been resolved, 9% were continuing in this phase and 6% were awaiting their first return date, while 17% of the PPP500 matters had progressed to the judge-led limb. These data also indicate that of those that had resolved, 78% had resolved without any judicial involvement and 22% required some judicial involvement.

Of those that progressed to the judge-led limb, the expectation is that the case management and triage process undertaken in the registrar-led limb will have enabled the matter to be dealt with more expeditiously in the judge-led limb. Data from qualitative interviews with professionals suggest that this expectation was met by the case management process, which monitored compliance with orders for the filing of required court forms and production of relevant documents, as well as narrowing disputes during the planning and implementation of the dispute resolution process (see further section 5).

At the time of writing, no short-form expedited hearings had proceeded to judicial determination. Parties in a small number of matters had consented to the short-form expedited hearing; however, each had settled by consent prior to the hearing date. It is noted that even where the parties do not consent to the short-form expedited hearing, judges are in a position to exercise discretion in the case management of their hearings, including in relation to the timing of the hearing date and to mitigate concerns in relation to systems abuse or financial abuse arising from the failure to agree to the expedited process (FCFCoA, 2021, unpublished).

Separate data from the court also indicate that as at 30 November 2021, only 6% of matters had been referred to a judge for hearing as the matter had not resolved by consent in the judge-led limb. Other referrals had been made to judges where interim or jurisdictional issues arose that were outside of the judicial registrar's delegation or where the matter proceeded on an undefended basis (FCFCoA, 2021, unpublished).

These data also indicate that, as at 30 November 2021, 92 matters had been transferred out of the PPP500 program. Of these, 50 had been transferred out because they no longer met the PPP500 criteria (e.g. it may have been determined that the net asset pool exceeded \$500,000) and 42 had been transferred due to the introduction of parenting matters. In both circumstances, the matters were referred to judicial registrars to case manage rather than to judges (FCFCoA, 2021, unpublished).

## Summary

The administrative data show that there has been strong uptake of the PPP500 process although there are variations between registries. The data show that the number of PPP500 initiating applications across the four pilot registries varied, with the highest number ( $n = 296$ ) in Brisbane and the lowest number ( $n = 116$ ) in Parramatta during the most recent financial year. As a proportion of total property initiating applications, Brisbane had the highest, with PPP500 matters representing 22% of all applications and Melbourne had the lowest at 12% when considering the Year 1 and Year 2 data together. These variations in part reflect the differences in the average size of the asset pools between the registries' catchment area and may also reflect the impact of COVID-19 lockdowns with more extensive lockdown restrictions in Melbourne during the 2020 and 2021 years of the PPP500 Pilot. The data also show a reduction in mainstream court filings in property/financial matters; in 2020, 8,182 applications (property alone and property and children) were lodged with the court and, in 2021, these applications numbered 8,123. This reflects a cumulative decrease of approximately 300 applications on each of the three years preceding the PPP500 Pilot.

The data also provide insight into the extent to which financial disclosure is made by parties having regard to financial summary and financial statement filings by applicants and respondents. The data show that failure to file a financial summary or financial statement in PPP500 matters is unusual, and it is noted that absent financial statements and financial summaries may relate to matters where leave was being granted to file an application without a financial statement/financial summary or matters that were requisitioned and the document filed shortly after the initiating application, or they may reflect a data entry issue. The administrative data also provided insight into the extent to which parties were represented in PPP500 matters. The data show that parties in PPP500 matters are more likely to be self-represented than in other property and financial matters, which, in the context of other data explored in the following sections, may suggest that the process is more accessible for parties in the absence of legal representation.

More specific insight into the registrar-led limb and the judge-led limb shows that of those matters that had resolved, 78% had resolved without any judicial involvement and 22% required some judicial involvement. The data also show that most matters that had been progressed to the judge-led limb resolved by consent with only 6% referred to a judge for hearing.

## 4 Court file data

This section presents findings based on 417 PPP500 files and 364 non-PPP500 comparison files from the court file element of the evaluation methodology. The discussion first sets out the procedural profiles of both types of matters focusing on resolution time frames and methods (i.e. judicial determination or resolution without judicial determination). It then provides an overview of party profiles in each sample. This is followed by an analysis of the types of assets involved in the matters in each sample, data relating to contributions and additional considerations (e.g. future needs) and a summary of outcome patterns.

### Sampling

The samples for the PPP500 and non-PPP500 comparison files were drawn from a list of eligible court files provided by the FCFCoA that met the sampling eligibility criteria described below. The Year 1 PPP500 files sample was intended to include all files that were finalised in the PPP500 program between March and November 2020 across the four pilot registries ( $n = 171$  files) with information from 145 Year 1 PPP500 files collected in the final sample. The Year 2 PPP500 files were drawn from all files that were finalised between March 2020 and November 2021, with the previous Year 1 PPP500 files excluded from eligibility for Year 2 data collection. The sample design for Year 2 PPP500 aimed to collect information from every eligible PPP500 file marked with a judge-led limb case conclusion ( $n = 77$  files) and a random sample of 50 files from each of the four pilot registries where matters concluded under the registrar-led limb. This random sample of registrar-led limb files was drawn from a potential sample of 593 such files. The non-PPP500 comparison sample was drawn from financial matters that entailed net assets valued up to \$500,000 and were resolved in the same court registry locations between 1 July 2018 and 30 June 2020. A proportionate sample was randomly selected from the list of financial matters resolved in the designated period in each of the four court registry locations.

As CaseTrack does not contain a marker for the quantum value of the asset pool, data collectors manually examined each non-PPP500 matter to identify whether a matter was in or out of scope (i.e. under \$500,000 net value and otherwise would have qualified for the PPP500 program). The sample size for the non-PPP500 comparison sample was designed to be similar to that of the PPP500 files. At the conclusion of data collection activities and after the collected data were checked and cleaned, slightly more PPP files were available for analysis,  $n = 417$  (comprising of 145 Year 1 PPP files and 272 Year 2 PPP files) compared to  $n = 364$  non-PPP500 files (Table 10).

**Table 10:** Court file sample, by registry and type

	Year 1 PPP500 files		Year 2 PPP500 files		Non-PPP500 files		All (%)	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%		
Adelaide	31	21.4	76	27.9	127	34.9***	234	30.0
Brisbane	71	49.0	66	24.3	108	29.7	245	31.4
Melbourne	31	21.4	63	23.2	67	18.4	161	20.6
Parramatta	12	8.3	67	24.6	62	17.0	141	18.1
<b>Total</b>	<b>145</b>	<b>100.0</b>	<b>272</b>	<b>100.0</b>	<b>364</b>	<b>100.0</b>	<b>781</b>	<b>100.0</b>

**Notes:** Asterisks indicate that the differences in registry between Year 1; Year 2 PPP500 files and non-PPP500 comparison files were statistically significant based on chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Procedural characteristics in the court file data

This section sets out resolution time frames and resolution methods for PPP500 and non-PPP500 comparison matters. It also provides information about the legal representation of parties in both samples.

### Resolution time frames

Table 11A presents information on the resolution time frames of PPP500 and non-PPP500 comparison matters. To a considerable extent, PPP500 matters were resolved more quickly than non-PPP500 matters. On average, matters in the PPP500 sample were resolved in 5.3 months compared with 7.7 months in the non-PPP500 comparison sample, reflecting a time saving of one-third being achieved for the matters in the PPP500 sample. Analysis of the distribution of duration for each file type also reveals that matters in the PPP500 sample are one-and-a-half times more likely than matters in the non-PPP500 comparison sample to resolve in 1-3 months (28% cf. 18%) and less likely to have a duration of 12 months or more (5% cf. 19%).

When interpreting these data, it is important to note that the Year 1 PPP500 sample comprised matters that were both commenced and resolved in that sample period (between March and November 2020), whereas the Year 2 PPP500 sample included pre-existing matters carried forward that had commenced but not resolved in Year 1, as well as matters that were commenced and resolved in the Year 2 PPP500 sample period. In addition to the longer sample period for the Year 2 PPP500 sample compared to the Year 1 PPP500 sample, and the increased volume of cases and potential delays arising from the greater demand in the Year 2 period, this Year 2 PPP500 sample also includes a greater proportion of cases characterised by family violence (see Table 20 below). Parties are also slightly more likely to be self-represented (Table 15 below). Pre-existing PPP500 matters that could not be resolved in Year 1 may on this basis be characterised by more complex dynamics and greater acrimony or entrenched conflict. There may also be greater complexity in the factual issues for these families. In these circumstances, it is notable that the Year 2 PPP500 matters were nevertheless resolved in shorter time periods than non-PPP500 comparison matters to a statistically significant extent, with the mean duration for Year 2 PPP500 matters six months compared to nearly eight months for non-PPP500 matters.

**Table 11A:** Court file sample: duration of matters by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)	Year 1 and Year 2 PPP500 files (%)
Duration in months				
Mean	4.1	6.0	7.7***	5.3
SD	2.0	3.6	5.7	3.3
Median	3.9	5.1	6.1	4.7
Duration distribution <sup>a</sup>				
1-3 months	40.0***	22.3	18.1	28.4
4-5 months	41.5	30.9	24.9	34.5
6-11 months	17.8	39.1	38.5	31.7
12+ months	0.7	7.8	18.6	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of files	135	256	338	391

**Notes:** The difference in mean duration was statistically significant based on a t-test ( $p < .001$ ). For the distribution of the duration variable, asterisks indicate that the differences between file types were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). <sup>a</sup> Duration cut-offs in months were based on rounded months. Percentages may not total exactly 100.0% due to rounding.

A separate analysis of resolution time frames has also been undertaken and presented in Table 11B below. This analysis excludes any non-PPP500 comparison matters with a duration greater than 22 months, to reflect that the PPP500 sample was drawn from matters finalised between March 2020 and November 2021. This meant that the maximum duration of PPP500 matters could be 21 months, while non-PPP500 comparison matters could be sampled over a longer 24-month time frame covering the 2018/19 and 2019/2020 financial years.

The data in Table 11B show that after restricting analysis to those cases resolved within 21 months, the average duration of non-PPP500 comparison matters was 7.1 months compared with 5.3 months for PPP500 matters. As with the earlier analysis, this difference in duration was statistically significant. The proportion of matters that resolved after 12 months or more was three times higher for non-PPP500 comparison matters (16%) compared to the corresponding proportion of PPP500 matters (5%).

**Table 11B:** Court file sample cases with duration less than or equal to 21 months, duration of matters by file type and year

	Non-PPP500 files (%)	Year 1 and Year 2 PPP500 files (%)
Duration in months		
Mean	7.1***	5.3
SD	4.5	3.3
Median	6.1	4.7
Duration distribution <sup>a</sup>		
1-3 months	18.6	28.4***
4-5 months	25.6	34.5
6-11 months	39.6	31.7
12+ months	16.2	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>
Number of files	328	391

**Notes:** The difference in mean duration was statistically significant based on a t-test ( $p < .001$ ). For the distribution of the duration variable, asterisks indicate that the differences between file types were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). <sup>a</sup> Duration cut-offs in months were based on rounded months. Percentages may not total exactly 100.0% due to rounding.

## Resolution types

Tables 12 and 13 show how the files in the PPP500 and non-PPP500 samples were resolved. Each of the tables sets out the different resolution types in each pathway, with PPP500 matters differing from non-PPP500 processes in the two-limb structure of the model (see further above).

The findings show greater levels of settlement during proceedings for Year 1 PPP500 matters when compared to non-PPP500 matters. A higher proportion of non-PPP500 comparison matters required judicial determination (10%) compared with 2% of Year 1 PPP500 matters. However, judicial determination was a greater feature of Year 2 PPP500 matters, with 8% of these file types resolving in this manner.

Relatedly, 93% of Year 1 PPP500 matters resolved in the registrar-led limb of the process. A lower proportion of non-PPP500 comparison matters resolved during the process (88% achieving full resolution). The corresponding proportion of matters resolving in the registrar-led limb and by consent in the judge-led limb for Year 2 PPP500 matters was 75% and 12% respectively; therefore, meaning that overall, a greater proportion of Year 2 PPP500 matters resolved by consent compared to matters in the non-PPP500 comparison sample.

**Table 12:** Court file sample: PPP500 files, file determination by year

	Year 1 PPP500 files		Year 2 PPP500 files	
	Number	%	Number	%
Registrar-led limb consent in full	135	93.1***	204	75.0
Registrar-led limb consent in part and judge-led limb consent in part	1	0.7	4	1.5
Registrar-led limb consent in part and judge-led limb partial judicial determination	1	0.7	4	1.5
Judge-led limb consent in full	1	0.7	32	11.8
Judge-led limb full judicial determination	3	2.1	21	7.7
Registrar-limb or judge-led limb (determination type not stated)	1	0.7		0.0
Not available	1	0.7	3	1.1
Not applicable	0	0.0	4	1.5
Discontinued/dismissed	2	1.4		0.0
<b>Total</b>	<b>145</b>	<b>100.0</b>	<b>272</b>	<b>100</b>
Summary – consent outcomes				
Registrar-led limb (excl. partial)	135	93.1	204	75.0
Judge-led limb (full)	1	0.7	21	7.7
Consent full	136	93.8	225	82.7

**Notes:** Asterisks indicate that the differences between Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

**Table 13:** Court file sample: non-PPP500 files, file determination

	Number	As % of all files	As % of files (excl. pure consent)
Pure consent	77	21.2	-
Consent during proceedings – full	253	69.5	88.2
Consent during proceedings – partial	1	0.3	0.3
Proceeded to partial judicial determination	2	0.5	0.7
Proceeded to full judicial determination	27	7.4	9.4
Not applicable	4	1.1	1.4
<b>Total</b>	<b>364</b>	<b>100.0</b>	<b>100.0</b>
Summary			
Consent in full (incl. pure consent)	330	90.7	

**Note:** Percentages may not total exactly 100.0% due to rounding.

Variation in how files were resolved was also found according to the registry location. Table 14 demonstrates that PPP500 files initiated in the Melbourne registry were most likely to be resolved in the registrar-led limb of the PPP500 process. Almost nine-in-10 (89%) PPP500 files in the Melbourne registry were resolved by consent in full in this registrar-led limb compared with between 79% and 80% in the other three pilot registries. This was a statistically significant difference. Conversely, 11% of files in the Brisbane registry resolved by full judicial determination in the judge-led limb compared with 2%–4% of PPP500 files in Adelaide, Melbourne and Parramatta registries.

**Table 14:** Court file sample: PPP500 files, file determination by registry

	Adelaide (%)	Brisbane (%)	Melbourne (%)	Parramatta (%)
Registrar-led limb consent in full	78.5	79.6	89.4***	78.5
Registrar-led limb consent in part and judge-led limb consent in part	1.9	0.0	3.2	0.0
Registrar-led limb consent in part and judge-led limb partial judicial determination	0.0	0.0	1.1	5.1
Judge-led limb consent in full	14.0	5.8	3.2	8.9
Judge-led limb full judicial determination	3.7	11.0	2.1	3.8
Registrar-led limb or Judge-led limb (determination type not stated)	0.0	2.2	0.0	1.3
Not available	1.9	0.7	1.1	0.0
Not applicable	0.0	0.7	0.0	0.0
Discontinued/dismissed	0.0	0.0	0.0	2.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	107	137	94	79
Summary - consent outcomes				
Registrar-led limb (excl. partial)	78.5	79.6	89.4	78.5
Judge-led limb (full)	14.0	5.8	3.2	8.9
Consent full	92.5	85.4	92.6	87.4

**Notes:** Asterisks indicate that the differences between Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Legal representation

Table 15 outlines patterns in legal representation and self-representation for applicants and respondents in the PPP500 and non-PPP500 samples. The first half of the table presents information on whether there was any legal representation during the proceedings and prior to the final hearing. The proportion of self-represented litigants was similar in non-PPP500 comparison matters (10%); Year 1 PPP500 matters (13%) and Year 2 PPP500 matters (14%). For each file type, respondents were significantly more likely to be self-represented compared to applicants. This difference was largest in Year 2 PPP500 files (25% respondents self-represented; 4% of applicants self-represented). There were also similar rates of private legal representation for applicants across the different file types (89%–90%, combined private with no legal aid grant and private but unclear whether paying fees privately or grant of legal aid).

The second half of Table 15 shows legal representation at the time of the final hearing. The patterns were broadly similar to those that emerged during the proceedings, although the proportion of self-represented litigants in the Year 2 PPP500 files was lower at the time of final hearing (9%) compared to the earlier data showing self-representation up to the point of the final hearing (14%).

Table A.5, in Appendix 2, further describes analysis of these data by gender. The patterns do not differ greatly from those described here. Consistent with their greater representation as respondents in both samples, men are more likely to self-represent compared to women. In the Year 2 PPP500 sample, 21% of men were self-represented during the proceedings and prior to the final hearing compared to 8% of women. In the non-PPP500 comparison sample, 16% of men were self-represented compared to 4% of women. This pattern in relation to legal representation is consistent with earlier AIFS research based on a court file sample in parenting matters in the AIFS Evaluation of the 2012 family violence amendments (Kaspiew et al., 2015: 22% cf. 18%) and AIFS research investigating disputes involving direct cross-examination based on court files (Carson et al., 2018). In the latter study, men were also more likely than women to report self-funded legal assistance to a statistically significant extent (82% cf. 62%). When legally represented, women in the PPP500 sample were also more likely than men to be represented by a Legal Aid Commission lawyer or by a lawyer with a grant of aid from a Legal Aid Commission. This was the case in the Year 1 PPP500 sample (2% cf. 1%), the Year 2 PPP500 sample (3% cf. 0.4%) and the non-PPP500 comparison sample (6% cf. 3%) (Table A.5, Appendix 2). This is also consistent with the findings of the court files sample in the AIFS Evaluation of the 2012 family violence amendments (Kaspiew et al., 2015: 7% cf. 4%) and in the direct cross examination study sample (Carson et al., 2018: 27% cf. 12%).

**Table 15:** Court file sample: legal representation of parties, by file type and year

	Year 1 PPP500 files (%)			Year 2 PPP500 files (%)			Non-PPP500 files (%)		
	Applicants	Respondents	All	Applicants	Respondents	All	Applicants	Respondents	All
Any legal representation during the proceedings and prior to the final hearing?									
Unrepresented	7.6	18.9 **	13.2	4.1	24.6 ***	14.4	2.7	16.8 ***	9.8
Legal aid/Grant of aid for legal assistance (public)	1.4	2.1	1.7	3.0	0.4	1.7	6.6	1.7	4.1
Community legal centre	0.7	0.0	0.3	2.6	0.4	1.5	1.1	2.2	1.7
Private (no legal aid grant)	16.6	11.2	13.9	15.5	8.5	12.0	12.9	7.7	10.3
Private (but unclear whether paying fees privately or grant of legal aid)	73.8	62.9	68.4	73.1	51.5	62.2	75.8	62.3	69.1
Not available/unclear	0.0	4.9	2.4	1.8	14.7	8.3	0.8	9.4	5.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	143	288	271	272	543	364	363	727
Legal representation at time of final hearing									
Unrepresented	6.3	20.8	13.5	2.8	15.7 ***	9.1	2.8	19.1 ***	10.9
Legal aid/Grant of aid for legal assistance (public)	2.5	2.6	2.6	3.6	0.4	2.1	8.9	2.4	5.7
Community legal centre	1.3	0.0	0.6	3.2	1.7	2.5	1.2	3.3	2.2
Private (no legal aid grant)	15.2	11.7	13.5	15.7	9.3	12.6	17.7	11.0	14.4
Private (but unclear whether paying fees privately or grant of legal aid)	73.4	59.7	66.7	72.3	63.6	68.0	66.9	55.3	61.1
Not available/unclear	1.3	5.2	3.2	2.4	9.3	5.8	2.4	8.9	5.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	79	77	156	249	236	485	248	246	494

**Notes:** For each set of characteristics, asterisks indicate that the differences between Applicants and Respondents (separately for Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding

## Party profiles

This section sets out the characteristics of litigants in the PPP500 and non-PPP500 court file samples. The information is based on data collected from the court forms used for both types of cases. At the time of data collection, both types of cases involved the same initiating application and response forms (Initiating Application and Response to Initiating Application). These forms include fields for socio-demographic information, relationship types and duration, and family profiles. The forms also include fields for information about ongoing court proceedings in relation to various matters including family violence (Initiating Application section 49a) and any existing orders, undertakings and agreements including about family violence (Initiating Application section 50a).

After a matter has initially been considered by the court and designated as a PPP500 case, a financial statement designed specifically for PPP500 cases needs to be filed (financial summary form) unless a financial statement is filed in the matter. In the non-PPP500 comparison matters, a standard financial statement is completed. The requirement in the court rules to file a standard financial statement and an affidavit are waived until the court directs a party to file these documents or the alternative dispute resolution steps are unsuccessful and directions requiring the filing of these documents are made for the final hearing. Both the financial summary and financial statement forms require information to be provided about the parties' financial status, contributions to the relationship, parenting arrangements and issues relevant to parties' future needs, such as health conditions. Neither of these forms explicitly request information about family violence but a field asking for information about any other relevant fact or circumstance may elicit such information.

## Gender of applicants and respondents

Table 16 describes the gender of applicants and respondents. It is notable that gendered patterns are evident in relation to who instigates litigation. Around seven out of 10 applicants in all three samples were women, with this proportion ranging from 64% in Year 2 PPP500 files to 72% in non-PPP500 comparison files.

**Table 16:** Court file sample: gender of parties by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Applicants			
Male	29.7	35.7	28.0
Female	70.3	64.3	72.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364
Respondents			
Male	68.3	64.3	69.5
Female	31.7	35.7	30.2
Not available			0.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

## Socio-demographic characteristics

Other characteristics, including socio-demographic information about age, county of birth and employment status, relationship type and duration, family type (dependent and non-dependent children) and health issues, are set out as an analysis of applicants and respondents in Table 17. Key observations from the analysis are:

- There is a younger age profile in the PPP500 parties compared to the non-PPP500 parties. The mean age of Year 1 PPP500 litigants was 44.1 compared with 44.9 for Year 2 PPP500 parties and 47.8 for non-PPP500 parties. Applicants were also younger than respondents in each case category. The mean age of applicants was 43.6 in the Year 1 PPP500 compared with 44.5 for Year 2 PPP500 parties and 46.9 for non-PPP500 applicants. The mean age of respondents was 44.5 in Year 1 PPP500 compared with 45.4 for Year 2 PPP500 parties and 48.7 for non-PPP500 respondents.

- There are indications that higher proportions of PPP500 parties are Australian born compared with parties in non-PPP500 comparison matters. However, a limitation of this comparison (based on analysis excluding the files where country of birth was not stated) is that substantial proportions of applicants and respondents in each sample did not state their county of birth, especially in the non-PPP500 comparison sample.
- In relation to employment status, the main difference between PPP500 and non-PPP500 comparison files is that a higher proportion of PPP500 applicants were employed with 72% of applicants in the Year 1 PPP500 and 77% in the Year 2 PPP500 sample employed, as compared to 62% in the non-PPP500 sample (with this being statistically significant, based on analysis excluding not stated responses). Although applicants in the PPP500 sample were almost as likely as respondents in this sample to be employed, they were much more likely to be employed part-time (17%–18% cf. 7%–8%). This was similar for the non-PPP500 sample, although the difference between applicants and respondents was larger in this regard, with 16% of applicants being employed part-time compared with 4% of respondents. These findings may in part reflect the gender differences and employment patterns in that context.
- There were some differences in occupational profiles between the PPP500 and non-PPP500 samples. The PPP500 sample had more technician/trade occupations (20%–22% cf. 14%). In relation to differences in occupational profiles between applicants and respondents within each sample, applicants were almost half as likely as respondents to be technicians and trade workers in each sample (14%–15% cf. 27%–30% for PPP500 and 10% cf. 18% for non-PPP500). Applicants were almost twice as likely to be clerical and administrative workers in each sample (12%–16% cf. 4%–7% for PPP500 and 12% cf. 6% for non-PPP500).
- In terms of non-labour force activities, there were some differences in profile between the two samples, which would be partially explained by the younger age profile of the PPP500 sample. PPP500 parties were more likely to be attending an educational institution (4%–6% cf. 2%) or to be travelling (8%–12% cf. 4%). In terms of differences between applicants and respondents in each sample, there were some similar patterns between the two samples though they were more marked in the non-PPP500 comparison sample. In the non-PPP500 sample, for example, 35% of applicants were caring for children compared to 8% of respondents. In the PPP500 sample, 25%–37% of applicants were caring for children compared to 7%–24% of respondents.

Additional analysis examining differences between the PPP500 and non-PPP500 samples by gender (rather than by applicant and respondent status) is set out in Table A.6, in Appendix 2. This analysis shows statistically significant differences by gender, in relation to age, employment and occupation. The mean age of men was 49 years in non-PPP500 files compared to 47 years in Year 2 PPP500 files and 45 years in PPP500 files sampled in Year 1. Consistent with this difference in mean age, the proportion of parties who were aged under 45 years was highest for Year 1 PPP500 files (56% compared with 49% for Year 2 PPP500 files and 37% for non-PPP500 files). There were also differences in the proportion that were employed between each file type. Between 73%–79% of parties were employed (excluding not stated) in PPP500 files compared to 68% in non-PPP500 files. For both the PPP500 and non-PPP500 files, men were more likely to be employed full-time, while a higher proportion of women were employed in jobs with part-time hours compared to the corresponding proportions of men. These data also show differences in the type of occupation held by male and female parties, with between 24%–42% of men employed in a trade or as a technician, while 3%–6% of women were employed in this occupation. Conversely, women were more likely to be employed as a community/personal service worker (between 25–29% across each file type; compared with 7%–10% of men).

**Table 17:** Court file sample: demographic characteristics by parties, file type and year

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)
Age									
Mean	43.6	44.5	44.1	44.5	45.4	44.9	46.9	48.7	47.8
SD	10.1	10.3	10.2	9.8	9.6	9.7	10.8	11.4	11.1
<45	57.0	54.3	55.7	51.1	46.7	49.1	40.5	33.9	37.3
45-54	28.2	30.0	29.1	33.3	37.1	35.2	33.0	35.6	34.3
55+	14.8	15.7	15.3	15.4	16.2	15.8	26.5	30.5	28.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	137	145	282	263	263	526	342	363	705
Country of birth									
Australia	57.2	54.5	55.9	50.0	46.0	48.0	33.5	32.4	33.0
Overseas	6.9	6.2	6.6	15.8	16.2	16.0	15.4	14.3	14.8
Not stated	35.9	39.3	37.6	34.2	37.9	36.0	51.1	53.3	52.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	145	142	287	271	270	541	364	363	727
Australia (excl. Not stated)	89.3	89.8	89.5	76.0	74.0	75.0	68.5	69.4	69.0
Australian citizen									
Yes	88.3	86.2	87.2	83.5	80.1	81.8	86.5	82.7	84.6
No	8.3	7.6	7.9	11.8	11.0	11.4	9.9	11.8	10.9
Not stated	3.4	6.2	4.8	4.8	8.8	6.8	3.6	5.5	4.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	144	144	288	272	270	542	361	361	722
Indigenous status									
Non-Indigenous	96.6	94.4	95.5	98.2	94.4	96.3	94.7	93.6	94.2
Indigenous	0.0	0.0	0.0	0.4	0.4	0.4	0.6	0.3	0.4
Not stated	3.5	5.6	4.5	1.5	5.2	3.3	4.7	6.1	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	145	142	287	271	270	541	359	359	718

Table continued over page →

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)
Current employment status									
Employed	72.4 ***	64.1	68.3	77.2 ***	70.6	73.9	61.6	61.8 ***	61.7
Full-time	35.2	43.4	39.3	47.8	47.1	47.4	33	44.8	38.9
Part-time	17.9	6.9	12.4	16.5	8.1	12.3	16.2	4.4	10.3
Employed, hours not stated	19.3	13.8	16.6	12.9	15.4	14.2	12.4	12.6	12.5
Not employed	26.9	22.8	24.8	21.3	17.6	19.5	36	23.1	29.5
Not stated	0.7	13.1	6.9	1.5	11.8	6.6	2.5	15.1	8.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	145	290	272	272	544	364	364	728
Employed (Excl. Not stated)	72.9	73.8	73.3	78.4	80.0	79.1	63.1	72.8 *	67.6
Current employment status (under 65)									
Employed	75.5***	65.2	70.4	78.7 ***	71.8	75.3	63.4	67.3 ***	65.2
Full-time	36.3	45.9	41.1	49.4	48.4	48.9	34.5	48.4	41.2
Part-time	18.5	6.7	12.6	16.2	7.4	11.8	15.9	4.7	10.5
Employed, hours not stated	20.7	12.6	16.7	13.1	16.0	14.6	13.0	14.2	13.5
Not employed	23.7	22.2	23.0	19.7	16.8	18.3	34.2	19.2	26.9
Not stated	0.7	12.6	6.7	1.5	11.3	6.4	2.4	13.5	7.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	135	135	270	259	256	515	339	318	657
Employed (Excl. Not stated)	76.1	74.6	75.4	80.0	81.1	80.5	65.0	77.8	70.8
Occupation <sup>a</sup>									
Managerial	10.3	13.6	11.9	9.5	14.7 ***	12	12.6	15.9 ***	14.3
Professional	22.7	15.9	19.5	19.1	14.1	16.7	19.6	18.2	18.9
Technician/trade worker	14.4	29.5	21.6	14.6	26.6	20.4	9.8	18.2	14.1
Community and personal service worker	22.7	17.0	20.0	20.6	10.9	15.9	22.9	11.4	17.1
Clerical and administrative worker	12.4	6.8	9.7	15.6	3.8	9.9	11.7	6.4	9.0
Sales worker	6.2	4.5	5.4	9.5	8.7	9.1	8.4	6.4	7.4

Table continued over page →

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)
Machinery operator/driver	5.2	5.7	5.4	5.0	7.6	6.3	5.1	14.1	9.7
Labourer	6.2	6.8	6.5	6.0	13.6	9.7	9.8	9.5	9.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	102	93	195	206	192	398	216	225	441
Main activity when not in the labour force									
Retired	15.0	14.3	14.7	22.2	28.6	25	11.6	37.5 **	20.9
Home duties or caring for child(ren)	25.0	7.1	17.6	37.0	23.8	31.3	34.9	8.3	25.4
Attending an education institution	5.0	7.1	5.9	3.7	4.8	4.2	1.2	2.1	1.5
Own long-term health condition/ disability	25.0	57.1	38.2	18.5	19	18.8	33.7	39.6	35.8
Own short-term illness/injury	5.0	0.0	2.9	11.1	4.8	8.3	3.5	4.2	3.7
Looking after ill or disabled person	10.0	0.0	5.9	3.7	0	2.1	11.6	2.1	8.2
Travel	10.0	14.3	11.8	3.7	14.3	8.3	3.5	4.2	3.7
Working in unpaid voluntary job	5.0	0.0	2.9	0.0	4.8	2.1	0.0	2.1	0.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	20	14	34	27	21	48	86	48	134

**Notes:** <sup>a</sup> Excludes files with no occupation provided (6% for the PPP500 sample, and 2% for the non-PPP500 files). For each set of characteristics, asterisks indicate that the differences between PPP500 files and non-PPP500 files (separately for Applicants, Respondents and All) were statistically significant based on the chi-square test for categorical variable and the t-test for continuous variable (\* $p < .05$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Relationship types and duration

Table 18 shows relationship type and duration, and whether there were children in the family at the time of application for the PPP500 and non-PPP500 samples. Differences between the samples in these areas are limited, although it is notable that PPP500 applications are more likely to involve children aged under 18 (50%–56% cf. 44%). This may, in part, reflect the younger age profile of that sample. Key similarities and differences between PPP500 matters and non-PPP500 comparison matters as presented in Table 18 are:

- The patterns in relationship type were similar between the samples. In each of the samples, over 70% of applications were from separated married couples (70%–75% for PPP500 and 72% for non-PPP500 files). Approximately one-quarter involved couples who had separated from a cohabiting relationship (24%–30% for PPP500 and 28% for non-PPP500 comparison files).
- The two samples had relationships of similar duration, with 13 years and 14 years as the mean length of relationship for the PPP500 and non-PPP500 parties respectively. More specifically, four in 10 files (42%–44% and 40%) had a relationship duration of less than 10 years, and slightly lower proportions (32%–34% and 38%) reported that their relationships had lasted 10–19 years, while over one-fifth (22%–25% and 23%) indicated that couples had been together for 20 years or longer.
- The median relationship duration for the PPP500 sample appeared to be shorter than that of the non-PPP500 comparison sample (11.3–11.4 years cf. 12.3 years and the difference was not statistically significant). It is also worth noting that the median relationship duration was similar to divorce data, which puts the median duration of marriage to divorce at approximately 12 years in recent decades (Australian Bureau of Statistics [ABS], 2020).<sup>13</sup>
- The majority of files in both samples involved children (68% for PPP500 and 67% for non-PPP500), with files involving children under 18 years age being more common than those involving adult children only (18+ years) (50%–56% and 44% cf. 10%–16% and 21%).

One-third of files in both samples did not involve any children. Given that this is higher than the proportion in the population who do not have children, it is possible that some parties may have had children without revealing it in documents filed with the court in the property dispute.<sup>14</sup>

<sup>13</sup> ABS. (2020). *Marriages and Divorces, Australia, 2019* | Australian Bureau of Statistics ([abs.gov.au](https://abs.gov.au)), retrieved May 2021.

<sup>14</sup> According to the 2016 Census, 16% of women aged 45–49 years never had any children (see Qu, 2020).

**Table 18:** Court file sample: relationship circumstances by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Relationship status at separation			
Married	75.2	70.2	71.7
Cohabitation	24.1	29.8	27.5
Not stated	0.7	0.0	0.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364
Duration of relationship (years)			
Mean	12.6	13.4	13.6
SD	8.3	9.2	8.8
Median	11.3	11.4	12.3
Less than 10 years	44.0	42.3	39.6
10–19 years	34.3	32.4	37.8
20+ years	21.6	25.3	22.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	134	253	331
Any children aged under 18 years at the time of application			
No children	32.4	31.6	32.7
Had a child(ren) under age 18 (with/without children 18+)	55.9	50.4	43.7
Had a child(ren) age 18+ only	10.3	15.8	20.6
Had children, children's age not stated	1.4	2.2	3.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

**Notes:** Percentages may not total exactly 100.0% due to rounding.

## Health and other issues

Table 19 presents findings on the extent to which applicants and respondents in PPP500 and non-PPP500 indicated that they or the other party were affected by the following issues:

- health problems
- substance misuse
- gambling
- mental health concerns.

Little difference was found in the overall pattern of experience of these issues across file type, with 27% of the Year 2 PPP500 files, 30% of Year 1 PPP500 files and 36% of non-PPP500 comparison files involving at least one of these concerns. Medical/health conditions were the most frequently raised issue in all subsamples (between 14%–22% of files), with mental health concerns raised in about one in 10 files.

When considering the data, having regard to the applicant and respondent status, there was very little difference in the experience of health and other issues between applicants and respondents in each of the samples. The most notable exception to this was in relation to medical conditions in the non-PPP500 comparison sample, where 25% of applicants raised this issue compared with 19% of respondents. Gambling issues were not raised at all in the Year 1 PPP500 sample, and only by 0.7% of respondents in the Year 2 PPP500 sample, but this was an issue raised by 2% of applicants and 3% of respondents in the non-PPP500 comparison sample.

Additional analysis examining these issues by gender for each of the samples is set out in Table A.7, in Appendix 2. Patterns by gender are similar to those described here, although a higher proportion of women in non-PPP500 comparison matters raised mental health concerns (19%) compared with males (11%).

**Table 19:** Court file sample: health and other issues by applicant and respondent

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)	Applicants (%)	Respondents (%)	All (%)
Medical condition/health	20.0	18.6	19.3	15.1	13.6	14.3	24.5	19.0	21.7
Substance abuse	1.4	2.1	1.7	0.7	3.7	2.2	3.3	4.9	4.1
Gambling concerns	0.0	0.0	0.0	0.0	0.7	0.4	1.9	2.7	2.3
Mental health concerns	11.0	13.8	12.4	12.5	14.7	13.6	15.9	13.7	14.8
Any of above	27.6	32.4	30.0	26.1	28.3	27.2	37.1	34.9	36.0
N	145	145	290	272	272	544	364	364	728

**Note:** Multiple responses apply to health and other issues and the sum may not total 100.0%.

## Family violence

This section sets out findings on the extent to which issues related to family violence and child abuse were raised in PPP500 and non-PPP500 comparison files. As noted earlier, the initiating application and response to initiating application forms include fields for the provision of information about other court proceedings, including those relevant to family violence, as well as any agreements, undertakings or orders in relation to family violence, among other matters.

After a matter has initially been considered by the court and designated as a PPP500 case, a financial summary designed specifically for PPP500 cases needs to be filed, unless a financial statement is filed in the matter. Family violence may be raised on this form in a section that provides fields for information about 'any other fact or circumstance' relevant to the property orders (section 10, but family violence is not specifically referred to in this question). Similarly, on the financial statement form for non-PPP500 comparison matters, Part O has a section for information about any other relevant information that could not be included in other parts of the form. Family violence is not specifically referred to in this section.

Consequently, the information on court forms reflects the extent to which the parties have chosen, or been advised to, specify information about family violence. The information available on the court forms (and other material, such as affidavits and case outlines) is relevant to the research question in relation to vulnerable parties and the objectives of the pilot that refer to financial abuse but may underrepresent the extent to which family violence was experienced by the parties in these matters.

It is nevertheless important to note that while there are limitations, domestic and family violence has been identified as relevant in some property matters before the court 'where there is a course of violent conduct by one party towards the other during the marriage which is demonstrated to have had a significant adverse impact upon that party's contributions to the marriage, or ... made his or her contributions significantly more arduous than they ought to have been, that is a fact which a trial judge is entitled to take into account when assessing the parties' respective contributions within s 79' (*Kennon v Kennon* (1997) FLC 92-757, 94,294. See also *Keating v Keating* (2019) FLC 93-894; *Kolar v Kermit* (2019) FCCA 817; *Benson v Drury* (2020) FLC 93-998; *Loncar v Loncar* (2021) FLC 94-054). It should be noted that a 2014 analysis of published judgments where the so-called Kennon principle was invoked shows that Kennon arguments are not commonly raised, commonly successful or significant in the difference they make to outcomes (Easteal, Warden, & Young, 2014).

The discussion in this section first considers the extent to which files contained evidence related to family violence and child abuse. It then considers the extent to which allegations were raised against male parties as compared to female parties. This is followed by more detailed information about the nature of the violence alleged. Finally, the discussion examines the extent to which issues about family violence were raised in the context of arguments related to the future needs of a party under FLA s 75(2) (formerly married couples) and s 90SF (former de facto couples).

## Allegations and evidence of family violence

Table 20 sets out findings on the extent to which files contained evidence relating to allegations of family violence, child abuse, child protection or safety concerns. The analysis of the data from court files indicates that such concerns were raised in non-PPP500 comparison files (37%) to a statistically significant greater extent than in PPP500 files. The proportion of Year 1 PPP500 files with such allegations or evidence was 25%, rising to a 29% for Year 2 files.

**Table 20:** Court file sample: any evidence or allegations of family violence and/or child abuse in current or prior proceedings, by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Any evidence of family violence, child abuse, child protection/safety concerns, or allegations made by either party			
Yes	24.8	29.0	36.8*
No	69.7	64.3	59.9
Not stated	5.5	6.6	3.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

**Notes:** Asterisks indicate that the differences between Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

More detailed analysis (see Appendix 2, Table A.8) demonstrates that allegations or evidence of family violence and/or child abuse were raised in current proceedings (81% Year 1 PPP500 files; 87% Year 2 PPP500 files; 82% non-PPP500 comparison files) more often than in prior proceedings (11% to 9%) or both current and prior proceedings (between 4% and 9%). Analysis in Appendix 2, Table A.8 also shows that the majority of allegations or evidence across the three groups related to family violence in the absence of child abuse (Year 1 PPP500: 22%, Year 2 PPP500: 27% and non-PPP500: 34%). Very small proportions of matters involved allegations or evidence of child abuse in the absence of family violence (less than 1%). Small proportions involved allegations or evidence of family violence and child abuse together (Year 1 PPP500: 2%, Year 2 PPP500: 4%, non-PPP500: 8%).

There are a number of factors that may give rise to the smaller proportions of files with allegations or evidence of family violence and or child abuse in the PPP500 samples compared to the non-PPP500 comparison sample. The absence of affidavit material on PPP500 files may mean that identifying allegations or evidence on the face of the file is less likely than for non-PPP500 comparison matters where affidavit material was far more likely to be filed. It may also be that parties engaging in the PPP500 process may include families with less complex dynamics than families in the non-PPP500 comparison sample with these families possibly not otherwise engaging in the court process but for the introduction of the simplified PPP500 process. On the other hand, the higher rates of self-represented parties in PPP500 matters compared to non-PPP500 comparison matters (see Table 15) and the reduced evidence or allegations in the court forms may reflect that they are less likely to have been prepared with the benefit of legal advice or by lawyers on behalf of parties. The absence of legal advice regarding relevant factual circumstances may influence the factors raised by parties to proceedings. The Year 2 PPP500 sample also involved matters with a longer case duration, including pre-existing PPP500 matters that could not be resolved in Year 1 of the pilot. This lengthier duration suggests that the sample may be characterised by more complex dynamics including domestic and family violence and greater acrimony or entrenched conflict.

## Who were the alleged victims?

Across all three subsamples, the alleged victims of family violence and child abuse were more likely to be women than men (Table 21). A statistically significant difference was evident between the non-PPP500 matters and the PPP500 matters, with women identified as victims in 30% of non-PPP500 comparison files as compared with 19% of Year 1 PPP500 files and 23% of Year 2 PPP500 files. There were limited differences in the extent to which the material on the file indicated children were victims, with Year 2 PPP500 files similar to non-PPP500 comparison files at 10% and 9% respectively. In the Year 1 PPP500 files, children were named as victims in 5% of files.

**Table 21:** Court file sample: proportions of parties who were alleged victims of any evidence or allegations of family violence and child abuse in current proceedings, by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Alleged victim of family violence, child abuse			
Children	4.8	10.3	9.1
Male party	4.8	5.2	9.1
Female party	18.6	23.2	30.2*
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

**Notes:** Multiple responses are possible (i.e. multiple victims in a file) and therefore the sum may not total 100.0%. Asterisks indicate that the differences between Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ )

## Allegations in detail

Table 22 depicts the nature of the violence alleged in greater detail, focusing on the type of violence (five subtypes are covered) and the extent to which they were raised against male or female perpetrators. It should be noted that the subgroups of female perpetrators are small and caution should be exercised in interpreting the results because of the low numbers. For this reason, the discussion focuses on findings for male perpetrators. In PPP500 files, the most common forms of violence alleged against male perpetrators were threats of harm against family members and threats to damage or destroy property (42%), followed closely by the perpetrator physically harming the children, the other party or themselves (40%). The most common form of family violence alleged against male perpetrators in non-PPP500 comparison files involved physical harm to the other party, the children or themselves (56%).

Allegations concerning actions related to preventing knowledge of or access to family money were raised against one-third of male perpetrators in the non-PPP500 comparison files as compared to 18% of male perpetrators in PPP500 files.

Forms of violence involving social isolation (preventing or trying to prevent access to friends, family, telephone or car) were raised to a similar extent against 14% of male perpetrators in the non-PPP500 comparison sample and 13% in the PPP500 sample.

**Table 22:** Court file sample: non-PPP500 matters – alleged victims of family violence: specific claims of violence against alleged perpetrators

	Against male perpetrators (%)	Against female perpetrators (%)
Year 1 and Year 2 PPP500 files		
Tried/prevented former partner from: contacting friends/family members or from using the telephone or car	12.8	-
Tried/prevented knowledge of or access to family money	18.4	-
Threatened to harm various members <sup>a</sup> /damaged or destroyed property	41.9	-
Tried/forced other party into any unwanted sexual activity	1.2	-
Physically harmed children/other party/self	39.5	-
<i>N</i>	86	20
Non-PPP500 files		
Tried/prevented former partner from: contacting friends/family members or from using the telephone or car	13.6	6.3
Tried/prevented knowledge of or access to family money	32.7	15.7
Threatened to harm various members <sup>a</sup> /damaged or destroyed property	48.2	40.6
Tried/forced other party into any unwanted sexual activity	6.4	3.1
Physically harmed children/other party/self	56.3	56.3
<i>N</i>	110	38

**Notes:** <sup>a</sup> Includes threatened to harm: child/children, the other party, other family members or friends, pets (or harmed pets), themselves. Year 1 and Year 2 PPP500 against female perpetrators category not reported due to small sample sizes. Multiple responses are possible and therefore the sum may not total 100.0%.

## Family violence: an additional consideration?

How issues related to family violence are raised in the context of arguments in relation to property division is considered in this section. The analysis in Table 23 sets out how parties linked their claims in relation to family violence to their arguments related to property division, specifically in the context of their claims in relation to FLA s 75(2) factors and the FLA s 90SF factors that require consideration of the parties' future needs as a step in the analysis of what division represents a 'just and equitable' property division.

It is notable that these arguments were primarily raised by women, with men raising them in very small proportions across all three subsamples. The notable features of the analysis are:

- Almost two-thirds of the female parties in the non-PPP500 comparison files raised arguments linking a history of family violence with an impact on future needs. This proportion was one-quarter in the Year 2 PPP500 subsample and approximately one-fifth in the Year 1 subsample. In contrast, the proportions for men across the three subsamples ranged from 9%–3%.
- The most common claim raised across the three subsamples was that the family violence was linked with the relationship breakdown, with similar proportions of women raising this in the Year 2 PPP500 subsample (19%) and the non-PPP500 comparison sample (21%) and a slightly lower proportion in the Year 1 PPP500 subsample (14%).
- Another claim concerned financially controlling behaviour having an impact on future needs, with 14% of non-PPP500 comparison women, 9% of Year 2 PPP500 women, and 7% of Year 1 PPP500 women raising this concern.

**Table 23:** Court file sample: proportions of parties who made any claims about family violence and additional factors/future needs, by file type and gender of party

	Year 1 PPP500 files (%)			Year 2 PPP500 files (%)			Non-PPP500 files (%)		
	Men	Women	All	Men	Women	All	Men	Women	All
Family violence and resultant mental health problems for the child/ren	0.0	1.4	0.7	1.5	3.5	2.5	0.0	3.2**	1.7
Financially controlling behaviour by the other party	2.1	6.8	4.5	0.4	8.5***	4.4	2.0	14.0***	8.1
Family violence and resultant impact on future earning capacity	0.0	4.7**	2.4	0.4	0.4	0.4	0.6	2.7*	1.7
Family violence and resultant health	0.7	10.1***	5.5	0.8	1.9	1.3	1.4	9.4***	5.5
Family violence and resultant child/ren's health	0.0	2.7*	1.4	0.8	1.5	1.2	0.6	1.1	0.8
Family violence and resultant impact on relationship breakdown	1.4	13.5***	7.6	7.7	19.2***	13.5	5.1	21.3***	13.4
Family violence and resultant impact on money management	0.7	4.1	2.4	0.8	5.0**	2.9	0.6	7.0***	3.9
Any above claims	2.8	20.9***	12.1	8.5	25.4***	16.6	7.9	32.1***	20.2
<i>N</i>	142	148	290	260	260	520	354	371	725

**Notes:** Men and women include same-sex couples; that is, both parties of same-sex male partners were included in the men category, and both parties of same-sex female partners were included in the women category. For each claim item, asterisks indicate that the difference between men and women (separately for Year 1; Year 2 PPP500 files and non-PPP500 files) was statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < 0.001$ ). Multiple responses so sum may not total 100.0%.

## Case profiles

This section sets out data on the composition and value of the property pools involved in PPP500 and non-PPP500 comparison matters.

### Asset profiles

#### Overall assets

Table 24 provides a summary of the asset profiles in PPP500 and non-PPP500 comparison files, according to material filed by applicants and respondents in each sample. Focusing on the average asset proportions reflected in the 'All' category, which depicts the average claimed by applicant and respondent parties in each sample, there are some notable differences in the asset profiles in PPP500 and non-PPP500 comparison matters. Across each of the three subsamples, there are also differences in patterns of assets identified by applicants and respondents, with applicants identifying high value assets to a greater extent than respondents.

Across each of the three subsamples, the most commonly identified asset was superannuation, with this being identified in 86% of PPP500 Year 1 parties and 87% of Year 2 PPP500 parties. Superannuation was less likely (by 10 percentage points) to be identified by non-PPP500 comparison parties (77%), but it was still the most commonly identified asset type in this subgroup. Consistently across the three subgroups, applicants were more likely to identify superannuation as an asset to be divided by about ten percentage points.

**Table 24:** Court file sample: types of assets that parties indicated owning in either party's or both parties' names by party type, file type and year

	Year 1 PPP500 files (%)			Year 2 PPP500 files (%)			Non-PPP500 files (%)		
	Applicant	Respondent	All	Applicant	Respondent	All	Applicant	Respondent	All
Home/house unit	68.2	61.4	64.8	70.2	65.8	68.0	57.1	55.0	56.0
Car	81.4	64.8	73.1	71.0	57.0	64.0	66.8	57.4	62.1
Bank account	60.0	54.5	57.2	66.5	55.2	60.8	64.8	53.0	58.9
Household contents/ chattels	42.1	45.5	43.8	50.4	44.1	47.2	42.9	40.7	41.8
Life insurance	1.4	4.1	2.8	3.3	1.5	2.4	6.0	6.9	6.5
Any superannuation in the name of applicant or respondent	91.7	80.7	86.2	93.4	81.3	87.3	82.1	72.5	77.3
Other real estate			..		..		9.1	9.3	9.2
Investment			..		..		11.0	9.3	10.2
Business interests			..		..		8.2	7.4	7.8
Other	40.0	43.5	41.7	24.6	22.1	23.3	27.2	26.9	27.1
N	145	145	290	272	272	544	364	364	728

**Notes:** '..' items were not collected in the financial summary for the PPP500. Multiple responses so sum may not total 100.0%.

After superannuation, the next most common asset identified was a car for two subgroups (73% Year 1 PPP500 sample and 62% non-PPP500 comparison sample). For the Year 2 PPP500 group, the second most commonly identified asset was the parties' home (68%). In relation to motor vehicles, the disparity in the proportions of applicants and respondents identifying them was even greater than for superannuation for both PPP500 subsamples, especially for the Year 1 PPP500 subsample.

PPP500 parties were more likely to identify their homes as assets than the non-PPP500 comparison group parties (65%: Year 1 PPP500 and 68%: Year 2 PPP500 cf. 56%). There was generally less disparity between applicants and respondents in relation to their homes, especially for the non-PPP500 comparison group.

However, an area where there was a difference in asset types between the PPP500 and non-PPP500 comparison parties was in relation to other real estate, investments and business interests. Neither of the PPP500 subgroups identified assets in these classes, compared with between 8% and 10% of the non-PPP500 comparison group. These findings may reflect the younger age of the PPP500 parties but may also reflect the differences between the financial summary and the financial statement forms. In the financial summary form, all real estate is

captured in the house/unit item in section 5 whereas part I of the financial statement provides for the separate specification of the home (item 35) and other real estate (item 36). This variation between the financial summary and financial statement may account for the apparent difference in non-PPP500 parties listing a home/house/unit and also capturing other real estate in a separate item on their financial statement.

### Superannuation: applicants' and respondents' claims

Table 25 sets out more detailed data on the superannuation in the asset pools, comparing respondent and applicant claims about superannuation holdings in their own and the other party's names in both samples. In each sample, respondents and applicants indicated greater knowledge of their own superannuation holdings than the other party's. Applicants referred to their own superannuation holdings in 86% of Year 1 PPP500 matters, 88% of Year 2 PPP500 matters and 77% of non-PPP500 comparison matters. The reports by Year 2 PPP500 applicants were higher to a statistically significant extent. Applicants referred to superannuation in the respondent's name only in 52% of Year 1 PPP500 matters, 48% of Year 2 PPP500 matters and 32% of non-PPP500 comparison matters.

**Table 25:** Court file sample: reports of any superannuation on each party's name only, by applicants and respondents, file type and year

	In applicant's name only (%)			In respondent's name only (%)		
	Year 1 PPP500 files	Year 2 PPP500 files	Non-PPP500 files	Year 1 PPP500 files	Year 2 PPP500 files	Non-PPP500 files
Applicants' reports						
Yes	86.2	88.2**	76.7	52.4***	48.2	31.9
No	5.5	4.8	5.8	29.0	33.1	41.2
Not stated	8.3	7.0	17.6	18.6	18.8	26.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364	145	272	364
Respondents' reports						
Yes	57.2***	44.9	28.3	73.1*	71.3	60.4
No	34.5	47.4	53.9	8.3	9.6	12.4
Not stated	8.3	7.7	17.9	18.6	19.1	27.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364	145	272	364

**Notes:** For each set of characteristics, asterisks indicate that the differences between file type (separately for Applicant and Respondent categories) were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < 0.01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

Notably, compared with applicants' accounts of superannuation holdings, respondents' accounts of their own superannuation holdings were on average lower for all samples but particularly for the non-PPP500 sample. In the Year 1 PPP500 and the Year 2 PPP500 samples 73% and 71% of respondents disclosed their own superannuation compared with 86% of Year 1 PPP500 applicants and 88% of Year 2 PPP500 applicants. Still lower proportions of non-PPP500 respondents (60%) revealed their superannuation holdings compared to applicants (77%). There are several factors that could contribute to these patterns, including differences in the socio-demographic profiles and employment profiles of the PPP500 and non-PPP500 samples, in terms of the lower proportions reporting superannuation in the non-PPP500 sample. However, given that most respondents are male, and that men have higher superannuation holdings than women (Association of Superannuation Funds of Australia [ASFA], 2021), the possibility that non-disclosure of superannuation could be occurring among both groups of respondents, but to a greater extent among non-PPP500 respondents, cannot be excluded.

Nevertheless, the data in Table 25 suggest that, overall, there is improved disclosure in the PPP500 process as compared to the non-PPP500 comparison process given that:

- Applicants in the Year 2 PPP500 files were more likely to disclose superannuation in their name only than the non-PPP500 comparison applicants to statistically significant extent (88% cf. 77%).
- Respondents in the Year 1 PPP500 files were more likely to claim superannuation holdings in the applicant's name only than in non-PPP500 comparison files to a statistically significant extent (57% cf. 28%).
- Year 1 PPP500 respondents were more likely to disclose superannuation assets in their own names than non-PPP500 comparison respondents to a statistically significant extent (73% cf. 60%).

## Net value of assets subject to property settlement in final orders

The discussion in this section presents data regarding the net value of assets captured in final orders in both PPP500 and non-PPP500 comparison group matters in the court file sample. The court file data collection instrument captured information about the total value of net assets in family law matters where final orders had been made, where this information was available on the court file ( $n = 631$ ). It is noted that where a range estimating the value of the net assets was provided, the midpoint in this range was used as the relevant value. Open-text responses were also examined and, where possible, this information was used to calculate the net asset pool.

### Lower asset value pools in Year 1 PPP500 cases

Table 26 demonstrates that Year 1 PPP500 files had a slightly lower (\$297,927) average mean value than Year 2 PPP500 files (\$309,251) and non-PPP500 comparison files (\$309,985). The distribution between four quartile ranges is similar for the Year 2 PPP500 and the non-PPP500 comparison group files, with very similar distributions between each of the four quartiles. This pattern varies for Year 1 PPP500 files, which have a higher proportion in the highest quartile (29% at \$422,000 and over) and a lower distribution in the second lowest quartile (19% at between \$174,000 and \$291,999).

The similar average net asset values of the Year 2 PPP500 and non-PPP500 comparison files may be indicative of greater similarities between these groups as compared to the Year 1 PPP500 and may suggest greater complexity in the asset profiles for these groups.

**Table 26:** Court file sample: final orders, distribution and average value of net assets, by file type and year

Final order: total value of net assets (\$)	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)	All files (%)
Under \$174,000 <sup>a</sup>	27.7	24.8	24.2	25.0
\$174,000–\$291,999	19.3	25.2	27.2	25.0
\$292,000–\$421,999	24.4	26.2	24.5	25.0
\$422,000 or over	28.6	23.8	24.2	24.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	119	214	298	631
<b>Average \$ value of net assets</b>	<b>\$297,927</b>	<b>\$309,251</b>	<b>\$309,985</b>	<b>\$307,461</b>
Confidence interval	[\$261,645, \$334,209]	[\$228,3457, \$335,045]	[\$289,203, \$330,767]	[\$292,661, \$322,263]

**Notes:** <sup>a</sup> Includes  $n = 6$  cases with negative asset pools. Values ranged from  $-\$362,191$  to  $-\$10,279$  for these cases. Percentages may not total exactly 100.0% due to rounding.

### Lower asset value pools for parties that have children in PPP500 files

The data were also analysed according to whether the parties had children. Table 27 indicates that parties with children in the Year 2 PPP500 and the non-PPP500 matters had greater average net asset pools than parties with children in the Year 1 PPP500 sample. Table 27 also indicates that the average value of net assets was lower for parties with children in Year 1 PPP500 matters (\$273,828) as compared to parties without children in Year 1 PPP500 matters (\$353,487). Conversely, parties without children in the Year 2 PPP500 and the non-PPP500 matters had lower net assets on average (Year 2 PPP500: \$322,493 for those with children and \$287,562 for those without children; non-PPP500 comparison group: \$318,916 for those with children cf. \$290,735 for those without). Caution should be exercised when interpreting these data as it is likely that some parties may have had children but did not disclose this in the proceedings given the higher proportion of parties in the sample without children as compared to the proportion of families without children in the general population.

**Table 27:** Court file sample: final orders, distribution and average value of net assets, by file type, year and whether parties had children

Final order: total value of net assets (\$)	Year 1 PPP500 files		Year 2 PPP500 files		Non-PPP500 files	
	No children (%)	Have children (%)	No children (%)	Have children (%)	No children (%)	Have children (%)
Under \$174,000 <sup>a</sup>	16.7	32.5	21.2	25.3	29.4	21.2
\$174,000–\$291,999	27.8	15.7	34.8	21.2	26.5	28.0
\$292,000–\$421,999	19.4	26.5	21.2	28.8	20.6	26.9
\$422,000 or over	36.1	25.3	22.7	24.7	23.5	23.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	36	83	66	146	102	193
<b>Average \$ value of net assets</b>	<b>\$353,487</b>	<b>\$273,828</b>	<b>\$287,562</b>	<b>\$322,493</b>	<b>\$290,735</b>	<b>\$318,916</b>
Confidence interval	[\$283,788, \$423,186]	[\$231,749, \$315,908]	[\$244,093, \$331,031]	[\$290,448, \$354,537]	[\$255,320, \$326,149]	[\$293,041, \$344,791]

Notes: <sup>a</sup> Includes  $n = 6$  cases with negative asset pools. Values ranged from  $-\$362,191$  to  $-\$10,279$  for these cases. Percentages may not total exactly 100.0% due to rounding.

### Lower asset value pools for younger parties in both PPP500 and non-PPP500 files

The data also showed that the average value of asset pools were higher for older parties compared to younger parties in both PPP500 and non-PPP500 matters. Parties in the 44 years or younger age bracket in PPP500 matters had the lowest average value of net assets. Based on age of applicant, Table 28 shows that the average net asset pool for parties aged 44 years or younger in PPP500 matters was \$257,811, as compared to \$350,795 for parties aged 45–54 years, and in non-PPP500 matters it was \$300,063 as compared to \$308,921 for the respective age brackets.

**Table 28:** Court file sample: final orders, distribution and average value of net assets, by file type and age of applicant

Final order: total value of net assets (\$)	Year 1 and Year 2 PPP500 files			Non-PPP500 files		
	44 years or younger (%)	45–54 years (%)	55 years or older (%)	44 years or younger (%)	45–54 years (%)	55 years or older (%)
Under \$174,000 <sup>a</sup>	33.5**	17.0	15.7	28.9	21.7	18.5
\$174,000–\$291,999	25.3	20.8	21.6	28.9	25	28.4
\$292,000–\$421,999	21.8	29.2	31.4	21.5	29.3	24.7
\$422,000 or over	19.4	33.0	31.4	20.7	23.9	28.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	170	106	51	121	92	81
<b>Average \$ value of net assets</b>	<b>\$257,811</b>	<b>\$350,795</b>	<b>\$377,470</b>	<b>\$300,063</b>	<b>\$308,921</b>	<b>\$323,061</b>
Confidence interval	[\$231,393, \$284,229]	[\$313,551, \$388,040]	[\$314,111, 440,830]	[\$262,388, \$337,738]	[\$277,608, \$340,234]	[\$285,670, \$360,451]

Notes: <sup>a</sup> Includes  $n = 6$  cases with negative asset pools. Values ranged from  $-\$362,191$  to  $-\$10,279$  for these cases. For each set of characteristics, asterisks indicate that the differences between applicant age (separately for PPP500 and Non-PPP500 files) were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < 0.01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Number of real properties in final orders

This section presents the available data relating to the number of real properties in arrangements contained in final orders. This information was available in 413 of 417 files in the Year 1 and Year 2 PPP500 samples.

Table 29 shows that, overall, a slightly higher proportion of PPP500 matters (25%) had no real properties than non-PPP500 matters (24%). The data also show that there was a higher proportion of matters with no real properties in matters where the applicant was a female and the respondent was a male (PPP500 sample: 27% and non-PPP500 comparison sample: 27%), compared to matters where the applicant was a male and the respondent female (PPP500 sample: 25% and non-PPP500 comparison sample: 15%). Correspondingly, there was a higher number of average real properties where the applicant was a male (PPP500 sample: 0.89 properties and non-PPP500 comparison sample: 1.0) compared to matters where the applicant was a female (PPP500 sample: 0.81 properties and non-PPP500 comparison sample: 0.82).

**Table 29:** Court file sample: final orders, number of real properties subject to the final order, by file and party type

Final order: number of real properties subject to the final order	Year 1 and Year 2 PPP500 files			Non-PPP500 files		
	Applicant male; respondent female (%)	Applicant female; respondent male (%)	All PPP500 files (%)	Applicant male; respondent female (%)	Applicant female; respondent male (%)	All non-PPP500 files (%)
0	24.6	26.5	25.4	14.9	27.2	23.6
1	64.2	66.8	65.9	73.3	66.4	68.4
2 or more	11.2	6.7	8.7	11.9	6.4	8.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	134	268	413	101	250	361
<b>Average number of real properties</b>	<b>0.89</b>	<b>0.81</b>	<b>0.85</b>	<b>1.0</b>	<b>0.82</b>	<b>0.88</b>
Confidence interval	[0.78, 1.00]	[0.74, 0.88]	[0.79, 0.90]	[0.88, 1.11]	[0.74, 0.90]	[0.81, 0.95]

**Notes:** Across all file types,  $n = 21$  cases where same-sex parties were not reported due to small sample sizes, but these cases are included in the all files category. Percentages may not total exactly 100.0% due to rounding.

Table 30 shows the distribution and average number of properties by file type. There were only slight differences in the number of properties for Year 2 PPP500 files and non-PPP500 comparison files. In Year 1 PPP500 matters, 30% of final orders did not involve orders relating to real property, compared to 23% and 24% of Year 2 PPP500 files and non-PPP500 comparison files respectively. The average number of real properties was 0.82 in Year 1 PPP500 matters, 0.86 in Year 2 PPP500 matters and 0.88 in non-PPP500 comparison files.

**Table 30:** Court file sample: final orders, number and average of real properties subject to the final order, by file type and year

Final order: number of real properties subject to the final order	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)	All files (%)
0	29.6	23.3	23.5	24.5
1	59.2	69.4	68.2	67.0
2 or more	11.3	7.4	8.3	8.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	142	271	362	775
<b>Average number of real properties</b>	<b>0.82</b>	<b>0.86</b>	<b>0.88</b>	<b>0.86</b>
Confidence interval	[0.72, 0.92]	[0.78, 0.93]	[0.81, 0.95]	[0.82, 0.91]

**Note:** Percentages may not total exactly 100.0% due to rounding.

## Financial contributions and non-financial contributions

This section sets out findings on the parties' claims in relation to past contributions as a justification for property division they are claiming would be just and equitable. The section first sets out findings in relation to claims made about assets and financial resources that each party had at the start of the relationship and financial contributions during the relationship. It then considers claims in relation to homemaker contributions and other non-financial contributions, examining patterns to claims in relation to these contributions and the extent to which each type is associated with a higher or lower allocation of net assets. Finally, claims about wastage are considered.

### Financial contributions at commencement of relationship

This section describes the extent to which parties claimed that they owned assets or had financial resources at the start of the relationship. The data indicate higher levels of assets and financial resources at the start of relationships among parties in PPP500 matters than non-PPP500 matters. These data should be regarded with caution in considering actual resource levels at the start of relationships. These patterns may indicate that the PPP500 process was more effective at eliciting information about these issues than the non-PPP500 process.

In relation to real property, no statistically significant differences between PPP500 and non-PPP500 matters were evident and differences in patterns for men and women in the two file types were broadly similar. Table 31 shows that excluding 'Not available' responses, for PPP500 matters, 34% of women said they had a house at the start of the relationship compared to 43% in non-PPP500 matters. Having regard to the data presented in Table 30 where more than three-quarters (76%) reported having at least one real property, these reports of initial contributions for both PPP500 matters and non-PPP500 matters may seem less surprising. Men in both PPP500 and non-PPP500 matters were more likely than women to indicate they had a house at the start of the relationships, but proportions were still lower for PPP500 men (39% cf. 47%).<sup>15</sup>

Otherwise, PPP500 women and men were more likely to report other assets and resources than non-PPP500 men and women to a statistically significant extent:

- Cars were reported by 72% of PPP500 women and 60% of non-PPP500 women. Among men, 76% of PPP500 litigants and 58% of non-PPP500 men reported cars.
- Bank accounts were reported by 56% of PPP500 women compared to 40% of non-PPP500 women. Among men, 61% in PPP500 files reported bank accounts compared to 40% in non-PPP500 files.
- Superannuation was reported by 57% of PPP500 women compared to 39% of non-PPP500 women. Among men, 65% reported superannuation compared to 49% of non-PPP500 men.

**Table 31:** Court file sample: whether property owned when first lived together, by file and party type

Asset type	PPP500 files (%)	Non-PPP500 files (%)	All files (%)
Females			
House	34.1	43.0	37.6
Car	71.7*	60.0	67.2
Bank account	55.5**	40.0	49.4
Super	56.9**	38.5	49.7
<i>N</i>	212	135	347
Males			
House	39.4	47.4	42.5
Car	75.9***	57.8	69.0
Bank account	61.0***	39.3	52.7
Super	64.7**	48.5	58.5
<i>N</i>	220	135	355

**Notes:** 'Not available' responses excluded from analysis. Multiple responses so percentages may not sum to 100.0%. Asterisks indicate that the differences between file types were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ )

<sup>15</sup> When not available responses are included, and analysis is undertaken across all files, 18% of women in PPP500 matters reported they had a house at the commencement of the relationship compared to 17% of women in non-PPP500 matters. For men, the corresponding proportions were 21% in PPP500 files and 18% in non-PPP500 files.

## Financial contributions during the relationship

This section examines parties' claims relating to their own financial contributions during the relationship. This information was collected as estimated total annual income since the relationship commenced.

Where the data were available, Table 32 presents this information by gender of party for both PPP500 and non-PPP500 files separately. Overall, across both samples, men had a higher level of financial contributions during the relationship compared to women (average annual income of \$61,977 cf. \$44,292). These results are not unexpected, given that women are more likely to work part-time when compared to men (Appendix 2, Table A.6) and, as discussed in the next section, women were also more likely to make a claim of homemaker and parenting contributions (including the care of children of the relationship). There was no statistically significant difference in average annual income between file types for each gender; however, men in non-PPP500 matters had a higher average annual income of \$67,472 compared with PPP500 matters where the corresponding figure was \$58,523.

The differences in average income values between men and women were also reflected in the distribution of annual income, when these data were analysed in income ranges. Across all files, 37% of women claimed financial contributions during the relationship of \$31,500 or less, double the proportion of men (16%) who made this claim of annual income.

**Table 32:** Court file sample: claims of estimated annual income since relationship first started, by file and party type

Estimated annual income	PPP500 files (%)	Non-PPP500 files (%)	All files (%)
<b>Females</b>			
\$31,500 or less	40.8	32.1	36.9
\$31,501-\$50,000	22.5	32.1	26.8
\$50,001-\$70,825	20.4	23.5	21.8
\$70,926 or more	16.3	12.4	14.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Mean \$</b>	<b>45,520</b>	<b>42,806</b>	<b>44,292</b>
Confidence interval	[\$39,112, \$51,928]	[\$37,215, \$48,397]	[\$39,973, \$48,610]
<i>N</i>	98	81	179
<b>Males</b>			
\$31,500 or less	20.0	10.6	16.4
\$31,501-\$50,000	27.6	18.2	24.0
\$50,001-\$70,825	21.9	21.2	21.6
\$70,926 or more	30.5	50.0	38.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Mean \$</b>	<b>58,523</b>	<b>67,472</b>	<b>61,977</b>
Confidence interval	[\$52,111, \$64,935]	[\$60,467, \$74,477]	[\$57,168, \$66,785]
<i>N</i>	105	66	171

## Homemaker and parenting contributions during the relationship

This section summarises data on the homemaker and parenting contributions made during the relationship, according to the material on the files provided by parties. The data collection instrument covered the following types of contributions for each party with multiple responses possible:

- Caring for children of the relationship
- Caring for step-children
- Using income for food, clothing, or household expenses
- Caring for grandchildren (i.e. the party caring for grandchildren)
- Performing household tasks
- Homemaker contributions made on behalf of the party
- Caring contribution made on behalf of the party.

Overall, the court file data (not reported in a table) show 68% of men in PPP500 files made a claim of undertaking at least one of these homemaker and parenting contributions compared with 57% of men in non-PPP500 files. The corresponding proportion for women was higher, with 86% of women in PPP500 files and 78% of women in non-PPP500 files referring to these kinds of contributions. These proportions were significantly higher in PPP500 files compared with non-PPP500 matters. As with the asset types, these patterns suggest that the PPP500 process may be more successful at eliciting this information than the non-PPP500 process, noting sections 20 and 21 in the PPP500 financial summary form.

## Homemaker contributions and property division outcomes

Table 33 presents information on the division of net assets in the final orders for the PPP500 and non-PPP500 samples according to whether a claim about homemaker and parenting contributions was made. With the exception of men in non-PPP500 files, the findings demonstrate a general pattern where a homemaker contribution claim is associated with a higher division of net assets. For women in PPP500 files, those who detailed homemaker contributions received an average of 53% of the net asset pool compared to 48% of those who did not detail homemaker contributions. A similar pattern held for PPP500 men, with an average net asset division of 50% for those detailing homemaker contributions compared to 42% where no such contribution was detailed.

For non-PPP500 women, the pattern was similar, with an average net asset division of 54% for those detailing homemaker contributions compared with 48% for those not detailing such contributions. The reverse pattern was evident for non-PPP500 files, with men who detailed a homemaker contribution receiving a lower division (45%) than men who did not (49%).

**Table 33:** Court file sample: final orders, percentage of net assets granted to each party, by file type and whether claim about homemaker and parenting contribution during relationship made

Final order: Total % of net assets granted to the party	PPP500 files (%)				Non-PPP500 files (%)			
	Female; No – homemaker contribution (%)	Female; Yes – homemaker contribution (%)	Male; No – homemaker contribution (%)	Male; Yes – homemaker contribution (%)	Female; No – homemaker contribution (%)	Female; Yes – homemaker contribution (%)	Male; No – homemaker contribution (%)	Male; Yes – homemaker contribution (%)
<b>Average % of net assets granted to party</b>	<b>47.9</b>	<b>52.9</b>	<b>42.1</b>	<b>49.6</b>	<b>47.6</b>	<b>53.6</b>	<b>48.5</b>	<b>45.1</b>
Confidence interval	[42.4%, 53.5%]	[50.5%, 55.3%]	[38.2%, 46.0%]	[47.0%, 52.3%]	[41.2%, 54.0%]	[49.9%, 57.4%]	[44.8%, 52.1%]	[41.2%, 48.9%]
Number of respondents (base)	28	243	79	192	46	196	106	136

Analysis has also been undertaken to examine differences in net asset division, by whether parties made a claim about caring for children of the relationship. This analysis is restricted to the subsample who had children aged under 18 years at the time of the application. The analysis set out in Table 34 examines the more specific question of the degree to which contributions claims based on care of children of the relationships are associated with higher or lower shares of the net asset pool for women and men in PPP500 and non-PPP500 matters. As noted in Table 34, there were very low numbers of females who did not provide a caring contribution to children under 18, so these data are not reported for this category in both the PPP500 and non-PPP500 file types. In general, the pattern evident in relation to general homemaker contributions in the previous section held and was more marked, with caring for children contributions associated with higher shares, most notably for women. Again, the exception to this pattern was men in non-PPP500 matters, with an average division of 43% of net assets irrespective of whether a caring contribution was made or not.

In PPP500 files, women who raised a caring for children contribution claim gained an average net asset allocation of 56% compared to 59% for women in non-PPP500 files. This difference was not significantly different in a statistical sense. For men in PPP500 files, a caring contribution claim was associated with a 47% average net asset division compared with 40% for men who did not raise such a claim.

**Table 34:** Court file sample: parties who had children aged under 18 years at the time of the application, final orders, percentage of net assets granted to each party, by file type and whether claim about caring for children of the relationship made

Final order: Total % of net assets granted to the party	PPP500 files (%)				Non-PPP500 files (%)			
	Female; No – caring for children contribution (%)	Female; Yes – caring for children contribution (%)	Male; No – caring for children contribution (%)	Male; Yes – caring for children contribution (%)	Female; No – caring for children contribution (%)	Female; Yes – caring for children contribution (%)	Male; No – caring for children contribution (%)	Male; Yes – caring for children contribution (%)
<b>Average % of net assets granted to party</b>	-	<b>55.9</b>	<b>39.8</b>	<b>47.1</b>	-	<b>58.9</b>	<b>43.4</b>	<b>43.2</b>
Confidence interval	-	[53.0%, 58.8%]	[35.5%, 44.1%]	[43.5%, 50.7%]	-	[54.7%, 63.1%]	[38.1%, 48.7%]	[36.5%, 49.9%]
Number of respondents (base)	11	137	59	89	14	87	56	45

Notes: Due to small sample size, category for Female; no caring for children contribution for PPP500 files not reported.

## Other non-financial contributions during the relationship

Information relating to non-financial contributions other than homemaker and caregiving contributions was also collected. Parties could also make claims about use of their own labour to improve property; sourcing of materials at wholesale or below-market rates; or the design or decision making for improvements to property. The court file data (not reported in a table) show that 54% of men in PPP500 files made at least one of these claims compared with 39% of men in non-PPP500 files. Conversely, 44% of women in PPP500 matters made at least one of these claims compared to 27% of women in non-PPP500 files. Again, these patterns suggest that the PPP500 process is better at eliciting information of this nature compared with the non-PPP500 process.

Table 35 depicts the results of analysis examining the extent to which claims relating to contributions in these areas are associated with higher or lower average allocations of the net asset pool. Overall, the pattern of results demonstrates that claims relating to these contributions are associated with higher allocations, although an anomalous pattern is evident for non-PPP500 files, this time in relation to women. In contrast to the general pattern of higher allocations where these claims were raised, the analysis indicates that women who raised these claims in non-PPP500 matters received a lower allocation (46%) than those who did not (55%).

Otherwise, the findings demonstrate that:

- PPP500 women who raised non-financial contributions on average received 54% compared to 51% of those who did not.
- PPP500 men who raised these contributions on average received 49% compared to 46% for those who did not.
- Non-PPP500 men who raised these contributions on average received 49% compared to 46% for those who did not.

**Table 35:** Court file sample: final orders, percentage of net assets granted to each party, by file type and whether claim about other non-financial contribution during relationship made

Final order: Total % of net assets granted to the party	PPP500 files (%)				Non-PPP500 files (%)			
	Female; No – other contribution (%)	Female; Yes – other contribution (%)	Male; No – other contribution (%)	Male; Yes – other contribution (%)	Female; No – other contribution (%)	Female; Yes – other contribution (%)	Male; No – other contribution (%)	Male; Yes – other contribution (%)
<b>Average % of net assets granted to party</b>	<b>51.1</b>	<b>53.9</b>	<b>45.9</b>	<b>48.7</b>	<b>55.2</b>	<b>46.2</b>	<b>45.9</b>	<b>48.7</b>
Confidence interval	[48.1%, 54.2%]	[50.7%, 57.1%]	[42.2%, 49.6%]	[46.0%, 51.5%]	51.9%, 58.6%]	[38.8%, 53.5%]	[42.2%, 49.6%]	[46.0%, 51.5%]
Number of respondents (base)	147	124	123	148	169	73	141	101

## Claims about wastage

Claims about wastage for PPP500 and non-PPP500 matters are summarised in Table 36 below. Claims by female parties are summarised in the upper panel and claims by male parties are summarised in the lower panel. In most files claims about wastage are either not available or unclear. Further, acknowledgement of their own wastage by women and men was uncommon. Where there was material about wastage on the file, the key points are:

- Women in non-PPP500 files were more likely to make arguments about wastage than women in PPP500 files (21% cf. 14%).
- Similar proportions of men in PPP500 and non-PPP500 files made claims about wastage (10% cf. 11%).

**Table 36:** Court file sample: claims about wastage, by file and party type

Claim	PPP500 files (%)	Non-PPP500 files (%)	All files (%)
<b>Females</b>			
Yes – claim by female about wastage by male	13.9	20.9	17.1
Yes – both acknowledgement by female and claim about male wastage	0.7	0.3	0.5
Yes – acknowledgement about wastage by female	0.7	1.1	0.9
No/not available/unclear	84.6	77.7	81.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	403	350	753
<b>Males</b>			
Yes – claim by male about wastage by female	9.9	10.5	10.2
Yes – both acknowledgement by male and claim about female wastage	1.5	0.6	1.1
Yes – acknowledgement about wastage by male	1.5	1.1	1.3
No/not available/unclear	87.1	87.8	87.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	404	352	756

## Claims made where adjustment to division of assets sought for future needs

In addition to the data relating to family violence as an additional consideration (see Table 23 earlier), where an adjustment to division of assets was sought for future needs, the claims to support this adjustment are summarised in Table 37. Information about future needs relating to care of children, income prospects and/or illness and health issues were collected from the court files. As with the earlier analysis around claims about wastage, in most files, claims about future needs were not available. The available data show that, overall, a higher proportion of women made at least one of these claims (12%) compared with 4% of men. There was little difference in the prevalence of each claim made between PPP500 and non-PPP500 files for both genders, except for claims about illness/health issues by women, whereby this proportion was higher in non-PPP500 files (7%) compared with 3% in PPP500 files.

**Table 37:** Court file sample: claims about future needs/additional considerations, by file and party type

Claim	PPP500 files (%)	Non-PPP500 files (%)	All files (%)
Females			
Care of children	6.2	7.9	7.0
Income prospects	9.1	8.8	9.0
Illness/health issues	2.7	6.8**	4.6
At least one of these claims	11.8	12.8	12.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	406	353	759
Males			
Care of children	0.3	0.3	0.3
Income prospects	2.2	4.0	3.0
Illness/health issues	2.0	4.3	3.0
At least one of these claims	3.5	5.1	4.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	406	353	759

Notes: Multiple responses so percentages may not sum to 100.0%. Asterisks indicate that the differences between file types were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ).

## Case outcomes

This section sets out findings on the outcomes of cases in Year 1 and Year 2 PPP500 and non-PPP500 comparison cases.

### Percentage share of total net assets by file type

#### Distribution of assets according to gender of applicant

Table 38 sets out the proportionate division of net assets in final orders based on two different scenarios for each subsample. One scenario is based on the less typical pattern where the applicant is male and the respondent female. The other scenario is based on the more typical pattern where the applicant is female and the respondent is male. Based on mean allocations across the different subsamples, the notable findings are that:

- Mean allocations were similar across both scenarios in Year 1 PPP500 files, with the atypical scenario involving 50% of net assets granted to the applicant and the typical scenario involving 52% of assets granted to the applicant.
- There was a greater disparity across mean allocations for Year 2 PPP500 and the non-PPP500 comparison group files, but with a similar pattern (higher allocations to the applicant in the typical sample). In Year 2 PPP500 files, the mean allocation to the applicant was 51% in the atypical scenario and 55% in the typical scenario. In the non-PPP500 comparison files, the allocation was 45% to the applicant in the atypical scenario and 52% in the typical scenario.

A significant issue underlying these mean allocations is that, in PPP500 files, there is a statistically significant difference in the distribution of outcomes between the atypical and typical scenarios in the lowest outcome range of 0%–39% in favour of applicant. In each PPP500 year, applicants in the typical scenario had a higher likelihood of an outcome in this range than applicants in the atypical scenario. For Year 1 PPP500 matters, 26% of typical scenario matters had this outcome compared with 21% of atypical scenario matters. In Year 2 PPP500 matters, 19% of typical scenario matters had this outcome compared with 8% of atypical scenario matters.

The pattern is different for non-PPP500 comparison group matters, where the atypical scenario was more likely to result in this outcome (34%) than the typical scenario (24%). These findings demonstrate that in PPP500 matters, male applicants are more likely to receive asset allocations in the lowest range compared with male applicants in the non-PPP500 comparison sample. However, they also demonstrate that applicant females are also more likely than applicant males to receive allocations in this score range in PPP500 matters. The Year 2 PPP500 data suggest that when women were applicants in the PPP500 matters, they were more likely to secure

a greater percentage of the net asset pool than they were in the non-PPP500 comparison sample, with the average percentage of net assets at 55% in those Year 2 PPP500 matters compared to 52% for female applicants in the non-PPP500 comparison sample.

**Table 38:** Court file sample: applicant, final orders, percentage of net assets granted to the applicant, by party type, file type and year

Final order: total % of net assets granted to the applicant	Year 1 PPP500 files (%)		Year 2 PPP500 files (%)		Non-PPP500 files (%)		All files (%)
	Applicant male; respondent female (%)	Applicant female; respondent male (%)	Applicant male; respondent female (%)	Applicant female; respondent male (%)	Applicant male; respondent female (%)	Applicant female; respondent male (%)	
0-39	21.4	26.0*	7.7	18.6***	33.8	24.3	22.2
40-49	28.6	11.0	34.6	8.5	23.1	13.0	16.9
50	14.3	8.2	21.2	11.9	7.7	9.0	11.1
51-59	14.3	28.8	25.0	28.8	21.5	20.9	23.5
60-69	7.1	8.2	3.8	16.1	1.5	14.7	10.9
70-100	14.3	17.8	7.7	16.1	12.3	18.1	15.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	28	73	52	118	65	177	532
<b>Average % of net assets granted to applicant</b>	<b>50.1</b>	<b>51.7</b>	<b>50.9</b>	<b>54.9</b>	<b>45.1</b>	<b>51.7</b>	
Confidence interval	[43.5, 56.7]	[46.6, 56.9]	[47.2, 54.6]	[51.6, 58.2]	[39.8, 50.5]	[47.7, 55.7]	

**Notes:**  $n = 19$  cases involving same-sex parties across the three file types not reported due to small sample sizes. These responses are included in the all files category. This table includes  $n = 3$  cases where total % of net assets granted to the applicant was either negative or over 100% to reflect the division of negative asset pools. For each set of characteristics, asterisks indicate that the differences between applicant gender (separately for Year 1 PPP500; Year 2 PPP500 and Non-PPP500 files) were statistically significant based on a chi-square test ( $*p < .05$ ;  $**p < 0.01$ ;  $***p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Distribution of assets according to gender

Table 39 sets out the allocation of assets according to the gender of the party, rather than factoring in applicant/respondent status. Based on mean allocations, very similar broad patterns apply across the three subsamples, with 55%/45% asset splits in favour of women in the PPP500 and non-PPP500 comparison samples.

Focusing on the distribution of the different ranges across the subsamples, the following aspects of the analysis are notable:

- Male parties in non-PPP500 comparison group files were more likely to be in the lowest range (0%–39% of net assets) than males in the PPP500 matters (35% cf. 25%).
- The most common range for men in the PPP500 sample was 40%–49% (31%), whereas for men in the non-PPP500 comparison group it was 0%–39% (35%).
- For women in the PPP500 samples, the most common range was 51%–59% (31%), whereas for women in the non-PPP500 comparison group it was 70%–100% (20%) with the average percentage of net assets granted to women in the PPP500 sample being 53% as compared to 55% in the non-PPP500 sample.

**Table 39:** Court file sample: final orders, percentage of net assets granted to females and males by file type

Final order: total % of net assets granted to the party	PPP500 files		Non-PPP500 files		All files	
	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)
0-39	22.1	24.7	17.3	34.6	19.3	30.5
40-49	10.4	31.2	15.5	19.1	13.4	24.1
50	11.7	11.7	13.6	13.6	12.8	12.8
51-59	31.2	10.4	19.1	15.5	24.1	13.4
60-69	9.1	6.5	14.6	6.4	12.3	6.4
70-100	15.6	15.6	20.0	10.9	18.2	12.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	77	77	110	110	187	187
<b>Average % of net assets granted</b>	<b>52.5</b>	<b>47.5</b>	<b>54.8</b>	<b>45.2</b>	<b>53.9</b>	<b>46.1</b>
Confidence interval	[47.7, 57.2]	[42.8, 52.3]	[50.7, 59.1]	[41.0, 49.4]	[50.7, 57.0]	[43.0, 49.3]

**Notes:**  $n = 6$  cases where applicant was male and respondent was male or applicant was female and respondent was female not reported due to small sample sizes. Percentages may not total exactly 100.0% due to rounding.

## Distribution of assets according to registry and file determination

Table 40 presents the distribution of assets according to the gender of party for PPP500 and non-PPP500 files in each of the participating court registries. In relation to PPP500 matters, the data show that women secured higher average percentage of net assets in Melbourne (55%) and Parramatta (55%) compared to 51% in Brisbane and 52% in Adelaide. Further context that may potentially explain the differences in outcomes between registries is the higher number of children in files from Melbourne and Parramatta. On average there were 2.2 children aged under 18 years in Melbourne and Parramatta, compared with 1.9 children in Brisbane files and 1.7 children in files from the Adelaide registry. Caution should be exercised when interpreting the final outcome data, given the small sample sizes for Parramatta.

The data in Table 40 also show a similar pattern for non-PPP500 comparison files save for a higher average percentage of net assets granted to women in Brisbane as compared to the PPP500 matters at this registry.

Table 41 presents the distribution of assets between female and male parties in PPP500 matters by whether the matter was resolved in the registrar-led limb or the judge-led limb. Of particular note, the data indicate that women were more likely to receive a higher percentage of the net assets where their matter resolved in the judge-led limb to a statistically significant extent (59% cf. 51%). Correspondingly, males were more likely to receive a higher average percentage of the net assets where their matter resolved in the registrar-led limb (49% cf. 41%). Women were more likely to receive a percentage asset split in the 70%-100% range in the judge-led limb to a statistically significant extent (24% cf. 11%). Men were more likely to receive a percentage asset split in this range in the registrar-led limb (13% cf. 5%) to a statistically significant extent.

In this context, it is important to acknowledge the variation in duration of registrar-led limb and judge-led limb cases. The average duration of registrar-led limb matters was 4.8 months compared to 7.9 months for judge-led limb cases with this difference being statistically significant. It is also notable that judge-led limb matters were almost twice as likely to involve allegations or evidence of family violence and/or child abuse on file compared to registrar-led limb matters, with this difference also being statistically significant. These data, together with data from the qualitative interviews, suggest that some parties are electing to settle their matters in the registrar-led limb to avoid the cost, time, stress and uncertainty of continuing to pursue their matters in the judge-led limb (see further Section 5).

**Table 40:** Court file sample: final orders, percentage of net assets granted to females and males by file type and registry

Final order: Total % of net assets granted to the party	Year 1 and Year 2 PPP500 files							
	Adelaide		Brisbane		Melbourne		Parramatta	
	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)
0-39	21.7	19.6	23.3	22.2	11.1	34.9	19.6	33.3
40-49	11.3	30.9	14.4	27.8	17.5	30.2	12.9	28.6
50	16.5	16.5	12.2	12.2	6.4	6.4	12.9	19.1
51-59	30.9	11.3	28.9	14.4	30.2	17.5	29.9	0.0
60-69	9.3	11.3	8.9	10.0	17.5	1.6	11.4	4.8
70-100	10.3	10.3	12.2	13.3	17.5	9.5	13.3	14.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	97	97	90	90	63	63	21	21
<b>Average % of net assets granted</b>	<b>51.7</b>	<b>48.3</b>	<b>50.6</b>	<b>49.0</b>	<b>55.4</b>	<b>44.6</b>	<b>54.7</b>	<b>45.3</b>
Confidence interval	[48.0, 55.4]	[44.6, 51.9]	[46.8, 54.4]	[45.1, 52.8]	[50.6, 60.1]	[39.9, 49.4]	[45.8, 63.6]	[36.4, 54.2]
	Non-PPP500 files							
	Adelaide		Brisbane		Melbourne		Parramatta	
	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)
0-39	23.0	18.9	13.3	23.3	6.4	31.9	21.1	31.6
40-49	10.8	31.1	13.3	30.0	23.4	29.8	0.0	31.6
50	16.2	16.2	20.0	20.0	8.5	8.5	15.8	15.8
51-59	31.1	10.8	30.0	13.3	29.8	23.4	31.6	0.0
60-69	9.5	12.2	6.7	6.7	19.2	2.1	10.5	5.3
70-100	9.5	10.8	16.7	6.7	12.8	4.3	21.1	15.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	74	74	30	30	47	47	19	19
<b>Average % of net assets granted</b>	<b>50.7</b>	<b>49.3</b>	<b>54.4</b>	<b>45.5</b>	<b>55.5</b>	<b>44.5</b>	<b>54.6</b>	<b>45.4</b>
Confidence interval	[46.8, 54.6]	[45.4, 53.2]	[48.2, 60.6]	[39.3, 51.7]	[51.0, 60.1]	[39.9, 49.0]	[44.7, 64.5]	[35.5, 55.3]

**Notes:** No significant difference for females between each registry or males between each registry for Year 1 and Year 2 PPP500 files; and Non-PPP500 files. This table includes  $n = 3$  cases where total % of net assets granted to the applicant was either negative or over 100% to reflect the division of negative asset pools. This explains why average % of net assets granted to each party does not sum to 100.0% for Melbourne registry Year 1 and Year 2 PPP500 files category.

**Table 41:** Court file sample: PPP500 files final orders, percentage of net assets granted to females and males by case conclusion

Final order: total % of net assets granted to the party	Registrar-led limb – consent in full		Any other case with judge-led limb involvement <sup>a</sup>	
	Female party (%)	Male party (%)	Female party (%)	Male party (%)
0-39	21.2	22.6	12.2	36.6
40-49	15.0	29.2	0.0	31.7
50	12.0	12.0	19.5	19.5
51-59	29.2	15.0	31.7	0.0
60-69	11.5	8.4	12.2	7.3
70-100	11.1	12.8*	24.4*	4.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	226	226	41	41
<b>Average % of net assets granted</b>	<b>51.1</b>	<b>48.9*</b>	<b>59.3*</b>	<b>40.6</b>
Confidence interval	[48.6, 53.5]	[46.5, 51.3]	[53.6, 65.0]	[34.9, 46.4]

**Notes:** <sup>a</sup> Any other case with judge-led limb involvement includes PPP500 files that concluded by: registrar-led limb consent in part and judge-led limb consent in part, registrar-led limb consent in part and judge-led limb partial judicial determination, judge-led limb consent in full, or judge-led limb full judicial determination. Statistically significant difference between outcomes and average % of net assets granted for females by type of case conclusion at 5% significance level. Statistically significant difference between outcomes and average % of net assets granted for males by type of case conclusion at 5% significance level.

Table 42 shows the division of net assets between female and male parties and how this varied according to whether there was an allegation of family violence, child abuse, or child protection/safety concerns on the file. This information is presented for both PPP500 and non-PPP500 file types. The division of net assets granted to women in PPP500 matters was similar across both scenarios, with an average division of 53% where there was an allegation of family violence, compared with 52% where there was no allegation of family violence on the file. Where there was an allegation of family violence on file, 16% of female parties had an asset split in the 70%-100% compared with 13% where there was no such allegation.

A more marked difference was noted in non-PPP500 files, where female parties were granted an average division of 59% where there was an allegation of family violence on file compared with 49% where there was not an allegation.

However, these results should be interpreted in the context of the earlier discussion of factors that may give rise to lower rates of family violence identified in the PPP500 sample compared to the non-PPP500 sample. The previous commentary on Table 20 noted: the absence of affidavit material in PPP500 matters; parties engaging in the PPP500 simplified process may include families with less complex dynamics; and higher rates of self-represented parties in the PPP500 might mean court forms were prepared without the benefit of legal advice as possible reasons for lower rates of family violence identified in the PPP500 sample. These differences relating to family violence between two subsamples may explain some of the differences in outcomes noted between files with and without allegations of family violence in the non-PPP500 sample.

**Table 42:** Court file sample: PPP500 files final orders, percentage of net assets granted to females and males by file type and whether any evidence of family violence, child abuse, child protection or safety concerns

Final order: total % of net assets granted to the party	Year 1 and Year 2 PPP500 files				Non-PPP500 files			
	Evidence on file of family violence, child abuse		No evidence on file of family violence, child abuse		Evidence on file of family violence, child abuse		No evidence on file of family violence, child abuse	
	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)	Female party (%)	Male party (%)
0-39	19.5	26.0	19.8	26.0	9.5	36.9	27.3	30.0
40-49	13.0	24.7	13.0	30.5	17.9	26.2	14.0	20.7
50	16.9	16.9	10.7	10.7	10.7	10.7	8.0	8.0
51-59	24.7	13.0	31.1	13.0	25.0	17.9	20.0	14.7
60-69	10.4	6.5	12.4	9.0	14.3	3.6	16.0	10.7
70-100	15.6	13.0	13.0	10.7	22.6	4.8	14.7	16.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	77	77	177	177	84	84	150	150
<b>Average % of net assets granted</b>	<b>53.0</b>	<b>47.0</b>	<b>52.4</b>	<b>47.4</b>	<b>58.9 *</b>	<b>40.9</b>	<b>49.3</b>	<b>49.2</b>
Confidence interval	[48.5, 57.5]	[42.5, 51.5]	[49.6, 55.1]	[44.7, 50.2]	[54.7, 63.0]	[36.8, 45.1]	[44.8, 53.8]	[45.7, 52.7]

**Notes:** Statistically significant difference between outcomes and average % of net assets granted for females by whether evidence of family violence, child abuse, child protection or safety in non-PPP500 files at 5% significance level. This table includes  $n = 3$  cases where total % of net assets granted to the applicant was either negative or over 100% to reflect the division of negative asset pools. This explains why average % of net assets granted to each party does not sum to 100.0% for no evidence on file of family violence for Year 1 and Year 2 PPP500; and non-PPP500 files category.

## Orders in relation to real property

Information was collected from the final orders in each matter (where available) regarding the arrangements that had been made with the real property of the relationship. Data were collected for up to three properties and were captured in order of most expensive (Property 1) to least expensive (Property 3).

### Final orders: An overview of real property settlement, by party type

Table 43 shows the distribution of real property in the final order for both PPP500 files and non-PPP500 files, according to the party's gender. Six patterns in property outcomes are depicted:

- property transferred to the applicant without payment to the respondent (transfer to applicant)
- applicant retains property with a payment to the respondent (applicant retain/payment to respondent)
- transfer of property to respondent without payment to the applicant (transfer to respondent)
- respondent retains property with payment to applicant (respondent retain/payment to applicant)
- property is sold and each of the parties receives a payment or an apportionment of debt (payment/debt apportionment)
- property is sold and debt cleared.

These data show that the most common outcomes in PPP500 and non-PPP500 matters involved the respondent retaining the real property with a payment being made to the applicant. For both file types, this outcome was most likely where the respondent was female (44% PPP500 and 52% non-PPP500). It also applied to almost four in 10 PPP500 and one-third of non-PPP500 comparison matters where applicants were female and respondents were male.

The next most common outcome was for the real property to be sold and each party to receive a payment or an apportionment of debt. Across all samples there was nearly one-third of applicant males with this outcome. In PPP500 and non-PPP500 comparison samples this outcome was reported in 28% of PPP500 matters where the woman was the applicant and 38% of non-PPP500 comparison matters where the woman was the applicant.

Also of note, female applicants in PPP500 matters were more likely to retain the real property without making a payment (10%) than in non-PPP500 comparison matters (5%).

**Table 43:** Court file sample: final orders where only one property subject to the final order, real property/family home settlement, by file and party type

Final order: real property/ family home settlement to be finalised	Year 1 and Year 2 PPP500 files (%)		Non-PPP500 files (%)		Total (%)
	Applicant male; respondent female (%)	Applicant female; respondent male (%)	Applicant male; respondent female (%)	Applicant female; respondent male (%)	
Transfer of real property to applicant without payment to respondent	1.4	9.8	0.0	5.0	6.4
Applicant retains real property and respondent to receive financial payment – with or without mortgage and/or subject to refinance and indemnity	9.9	14.4	15.5	7.9	11.3
Transfer of real property to respondent without payment to applicant	2.8	3.3	0.0	0.0	2.1
Respondent retains real property and applicant to receive financial payment – with or without mortgage and/or subject to refinance and indemnity	43.7	35.9	51.7	33.6	37.5
Real property to be sold and applicant and respondent each receive financial payment and/ or debt apportioned	29.6	27.5	29.3	37.9	31.5
Real property sold and mortgage cleared	12.7	9.2	3.4	15.7	11.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	71	153	58	140	486

**Notes:** Across all file types,  $n = 13$  cases where same sex parties not reported due to small sample sizes, but these cases are included in all files category.

## Final orders: payments to be received by parties

In addition to data collected about the treatment of real property in the division of net assets pursuant to final orders, information was also collected about the type and the value of financial payments to be received by applicants and respondents in lieu of interests in real properties, superannuation and motor vehicles.

This information was then analysed to generate a total payment amount to be paid to the applicant and respondent respectively. A percentage split of total payments between applicant and respondent was also calculated.

### Overview of payments to be received by party type

Table 44 presents the percentage of payments to be made to applicants and respondents pursuant to final orders for PPP500 and non-PPP500 matters.

The data in Table 44 show that for both PPP500 and non-PPP500 matters, where the applicant was female and the respondent was male, the most common payment range was for applicants to receive 70%–100% of the payments, with 71% of female applicants in both the PPP500 and non-PPP500 comparison samples being in this range.

Conversely, where applicants were male and respondents were female, the range granted to the applicant was most likely to be in the 0%–39% range with this range applying in 42% of PPP500 files where the male party was the applicant and in 46% of non-PPP500 comparison files. Of note, this was more likely to be the outcome for male applicants to a statistically significant extent in the non-PPP500 matters than in the PPP500 matters.

**Table 44:** Court files sample: applicant, final orders, percentage of payments granted to the applicant, by file and party type

Final order: total % of payments granted to the applicant	Year 1 and Year 2 PPP500 files (%)		Non-PPP500 files (%)		Total (%)
	Applicant male; respondent female (%)	Applicant female; respondent male (%)	Applicant male; respondent female (%)	Applicant female; respondent male (%)	
0-39	42.0***	6.0	45.8***	9.8	18.3
40-49	4.9	0.8	4.2	1.6	2.2
50	19.4	14.3	16.7	11.5	15.1
51-59	1.6	5.3	2.1	3.3	3.5
60-69	4.8	3.0	0	2.5	2.7
70-100	27.4	70.7	31.3	71.3	58.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number of respondents (base)	62	133	48	122	372
<b>Average % payment granted to applicant</b>	<b>44.4</b>	<b>82.8</b>	<b>45.2</b>	<b>81.2</b>	
Confidence interval	[34.4, 54.5]	[78.2, 87.4]	[34.0, 56.4]	[75.7, 86.7]	

**Notes:** Across all file types,  $n = 7$  cases where same-sex parties not reported due to small sample sizes, but these cases are included in the all files category. For each set of characteristics, asterisks indicate that the differences between Applicant and Respondent (separately for each file type) were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < 0.01$ ; \*\*\* $p < .001$ ).

## Final orders: superannuation

Table 45 presents two sets of data regarding superannuation. The top panel outlines the extent to which parties reported that they had superannuation in their own name, while the lower panel summarises final order outcomes regarding superannuation.

In both the PPP500 and non-PPP500 samples, most parties had superannuation in their own name. The proportion who had superannuation was higher in the PPP500 samples (79% Year 1; 78% Year 2) compared to the non-PPP500 sample (64%). The PPP500 samples also had a lower proportion of only one party reporting they had superannuation in their own name (between 15% and 20%) compared to 27% of the non-PPP500 files. There were very few files where neither party reported having superannuation, around 3%–4% across the PPP500 and non-PPP500 samples.

The second section of Table 45 shows data from the final orders made in relation to superannuation. The most common order was for each party to keep their own superannuation (45% for Year 1 PPP500, 45% for non-PPP500, and 42% for Year 2 PPP500), followed by orders that entailed applicants receiving a payment from the respondent's superannuation (between 28% and 31%). A smaller proportion of final orders in both the samples entailed respondents receiving a superannuation payment from applicants (between 6% and 10%). It was uncommon for final orders not to deal with superannuation at all (5% or less). The outcome regarding superannuation was unclear for a substantial minority of files (18% in Year 2 PPP500 files and 15% in the Year 1 PPP500 and non-PPP500 files).

**Table 45:** Court files sample: whether one or both parties had superannuation in their own name and final order outcomes on superannuation, by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 file (%)
One or both parties had super in their own name			
Both	78.6***	77.6	63.7
One	15.2	19.5	27.2
Neither	3.5	2.6	3.3
Not stated (one or both parties)	2.8	0.4	5.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364
Final order regarding super			
Applicant to receive super transfer	29.0	28.3	31.3
Respondent to receive super transfer	6.2	9.6	6.9
Each party to keep their own super	44.8	41.5	44.8
No order on super	4.8	2.6	2.2
Not stated	15.2	18.0	14.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

**Notes:** For each set of characteristics, asterisks indicate that the differences between file type were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < 0.01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

## Final orders: motor vehicles and other chattels

Along with real property and superannuation, most matters involved motor vehicles or other chattels in one or both parties' names, as shown in Table 46. A higher proportion of the PPP500 files than the non-PPP500 files involved motor vehicles (84% and 79% in years 1 and 2 cf. 77%). The proportion of files with household contents/chattels were similar in the Year 1 PPP500 and non-PPP500 matters (56% and 57% respectively), with 64% of Year 2 PPP500 files involving reports of this asset type. The lower panel in Table 46 presents the outcomes in final orders in the two samples regarding motor vehicles and or other chattels. Overall, the patterns were similar between the two samples. For most files in both the samples, the most common final orders in relation to these assets were for each party to keep what was in their own possession (between 87% and 88% in each sample). It was rare for only one party (either applicant or respondent) to keep the motor vehicles and/or other chattels (between 2% and 5%).

**Table 46:** Court files sample: reports on motor vehicles and other chattels and final order outcomes, by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Whether one or both parties reported owning: <sup>a</sup>			
Car (%)	84.1	79.0	77.2
Household contents/chattels (%)	55.9	63.6	56.6
<i>N</i>	145	272	364
Final order regarding motor vehicle and other chattels			
Each party to keep motor vehicle/other chattels in their own possession (%)	88.2	87.0	88.4
Applicant to keep motor vehicle(s)/other chattels	0.7	2.2	2.2
Respondent to keep motor vehicle(s)/other chattels	0.7	3.0	1.1
Other	3.5	1.1	1.7
Not available or not applicable	6.9	6.7	6.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	144	269	361

**Notes:** <sup>a</sup> Multiple responses so sum may not total 100.0%. Percentages may not total exactly 100.0% due to rounding.

## Referrals between the PPP500 pilot and the Lawyer-assisted property mediation – Legal Aid Commission Trial

No CaseTrack administrative data were available in relation to matters referred to the PPP500 pilot from the Lawyer-assisted property mediation – Legal Aid Commission Trial (LAC Trial) or from the PPP500 Pilot to the LAC Trial as no CaseTrack markers were available to capture these referral activities. However, some limited data were available from the court file data, where formal orders or notations in orders had been made in PPP500 matters regarding referrals between the PPP500 Pilot and the LAC Trial, together with data from a spreadsheet maintained by judicial registrars when making or receiving referrals in the course of their work in PPP500 matters.

Data from the court files provide formal records of four parties being referred to the PPP500 pilot from the LAC Trial. One referral in the Brisbane registry was recorded in the Year 1 PPP500 and three referrals were recorded in Year 2 of the pilot, with two of these Year 2 referrals to the PPP500 Pilot in the Adelaide registry and one in the Brisbane registry.

Data from the court files also provide a formal record of referrals from the PPP500 Pilot to the LAC Trial for seven parties. In Year 1, one applicant and one respondent were recorded as being referred from the Adelaide registry and in Year 2, a further three applicants and two respondents were recorded as being referred to the LAC Trial from each of the Adelaide, Brisbane and Parramatta registries.

Data from the spreadsheets completed by the judicial registrars provide a record of four matters being referred to the LAC Trial in Year 2 of the PPP500 Pilot from the Brisbane Registry; three matters referred to the LAC Trial in Year 2 of the PPP500 in Parramatta and one referred to the LAC Trial in Year 2 in Adelaide.

The data on the court spreadsheets provide some insight into the challenges experienced in the referral of matters between the PPP500 Pilot and the LAC Trial. In all but two matters, the parties returned to court as the LAC Trial conferences were unable to proceed ( $n = 4$ ) or were yet to take place ( $n = 2$ ). In two cases, the LAC Trial conference process had been unsuccessful in resolving the dispute between the parties. Additional insights from data sourced from LAC Trial case files collected for the Evaluation of the LAC Trial program will be included in the finalised version of the final report for this Evaluation of the PPP500 Pilot.

Given the limitations with the collection of data in relation to these referrals, and the potential for referrals to be made between the PPP500 Pilot program and the LAC Trial in informal ways, these data are likely a substantial underestimate of the referrals taking place, particularly having regard to the data collected in the Evaluation of the LAC Trial regarding grants of aid to issue property proceedings (including in PPP500 matters). Although there were limited records of referrals in the case-level data in the Evaluation of the LAC Trial, the administrative data provided in the legal aid commission progress reports regarding matters ceasing in the LAC Trial to undertake litigation, together with case-level data relating to action taken where Party 2 in the LAC Trial matter declined to participate or did not respond to the invitation to participate, suggest that referrals to the PPP500 are taking place at a greater rate than indicated in other recorded data. The data in Table 11 of the Evaluation of the LAC Trial final report indicate that in nearly a quarter of matters where Party 2 declined or did not respond to the invitation to participate, aid was granted for Party 1 to litigate. In most cases, this would involve making an application to the PPP500 Pilot. These data illustrate the meaningful interaction between the LAC Trial and PPP500 Pilot programs in those locations where the PPP500 Pilot has been implemented. This is because most matters in the LAC Trial that progress to litigation in these locations would be allocated to the PPP500 list, having regard to the size of their asset pools.

Nevertheless, data from the qualitative interviews with professionals across a range of locations in both this Evaluation of the PPP500 Pilot Program and in the Evaluation of the LAC Trial suggest that there has been more limited interaction and referral between the PPP500 Pilot program and the LAC Trial program than was initially anticipated. A number of professionals described the initial engagement between the court and LACs at the outset of the PPP500 Pilot and the LAC Trial as waning during the course of the pilot and trial programs. For example, a registrar working in the PPP500 Pilot described the interface between the pilot and the Legal Aid Commission Trial as disjointed:

*I don't know enough about that [the Legal Aid Commission Trial], but we were trying – maybe you'll come to that question, but you know, them [Legal Aid staff], I think, being completely overworked and so I might send someone [a client] off there and then they never get contacted, even though we have – we have sent an email, we've sent the contact details, we've made an order that it's really clear and really, user-friendly for the self-represented litigant so they can understand it, and you know, I explain to them that the order is an order so it's something you have to comply with, but you can use it as a checklist and use it as*

*something that helps you understand what you need to do next. But then they go off and then they come back with these tales of woe that no-one rang them, or they tried to call, and no-one called them back and, you know, it makes it really difficult. (P20, Female, Registrar, State 2)*

## Summary

In summary, the court file data illustrate that the PPP500 Pilot showed greater levels of settlement during proceedings for Year 1 PPP500 matters when compared to non-PPP500 matters, with 10% of non-PPP500 matters concluding by judicial determination compared with 2% of Year 1 PPP500 files. Conversely, judicial determination outcomes were a greater feature of Year 2 PPP500 files, comprising 8% of these files.

The duration of cases was also substantially lower for PPP500 matters compared with non-PPP500 matters. PPP500 matters were resolved in 5.3 months on average, compared with 7.7 months for non-PPP500 matters. This difference indicates a time saving of one-third for matters in the PPP500 sample in comparison to the non-PPP500 sample.

The court data outline that cases were characterised by complex dynamics including family violence. There were allegations of family violence in one-quarter of Year 1 PPP500 matters, with this proportion increasing to 29% for Year 2 PPP500 matters. As noted in the earlier discussion, factors such as absence of affidavit material on PPP500 matters may mean that identifying an allegation or evidence of family violence is less likely for PPP500 matters than for non-PPP500 matters where affidavit material was much more likely to be filed. These data also show that parties were more likely to be self-represented in PPP500 matters than in non-PPP500 resolution pathways.

Turning to the asset profiles of parties, superannuation was the most frequently identified asset (86% of Year 1 parties; 87% of Year 2 parties; and 77% of non-PPP500 parties). Overall, the average mean value of net assets was similar across both file types: \$297,927 for Year 1 PPP500 files, \$309,251 for Year 2 PPP500 files and \$309,985 for non-PPP500 comparison files.

When financial and non-financial contributions were considered, men were more likely to make claims involving higher financial contributions than women and women were more likely to make a claim of homemaker and parenting contributions such as caring for children, performing household tasks, and other caring contributions (between 78%-86% of parties) compared with 57%-68% of men. Where a claim of caring for children was made and parties had children under 18 years at the time of the application, women gained an average split of net assets of 56% in PPP500 matters compared with 58% in non-PPP500 matters. Conversely, a higher proportion of men claimed contributions other than homemaker and parenting, such as improving property or designing or decision making to improve property. These data show that between 39%-54% of men made at least one of these claims compared to 27%-44% of women. The court file data covering future needs of parties shows little difference in the prevalence of each claim type (caring for children; income prospects; illness/health) between PPP500 and non-PPP500 files. Overall, a higher proportion of women (12%) made at least one of these future needs claims compared with 4% of men.

In terms of case outcomes relating to the distribution of net assets, the court file analysis shows broadly similar patterns irrespective of outcomes when analysed from an applicant/respondent perspective or male/female perspective. Analysis by gender shows outcomes with a 54%/46% average asset division in favour of women, across the Year 1/Year 2 PPP500 and non-PPP500 subsamples. Noting the longer average duration of PPP500 cases that resolved in the judge-led limb (7.9 months) compared with registrar-limb cases (4.8 months), women were more likely to receive a higher proportion of net assets where their matter resolved in the judicial limb compared to resolution in the registrar limb (59% cf. 51%).

## 5 Insights from the qualitative interview data

A key element of the evaluation was the semi-structured qualitative interviews with professionals ( $n = 33$ ) and parties ( $n = 4$ ). The interviews with professionals (including a judge, judicial registrars, and registrars involved in administering the registrar-led limb and judge-led limb of the PPP500, as well as lawyers who have represented parties participating in the PPP500 Pilot) provide professional insight into the operation and efficacy of the pilot. This, in turn, provides understanding from both practical and substantive perspectives based on their experiences working in the pilot program. Interviews with parties provide valuable insight into the effectiveness, efficiency and appropriateness of the pilot program and the extent to which it enabled cost-effective, enforceable orders to be achieved in small pool property matters from the perspective of those who have used it.

Participants in the interviews with professionals and parties were recruited on a voluntary, opt-in basis with arrangements made with the FCFCoA to periodically distribute the invitations to participate and project information sheets to:

- all parties in the court's database who were listed as applicants or respondents in PPP500 matters
- all court-based professionals working in the PPP500, and all lawyers nominated in court records as representing parties in PPP500 matters.

Qualitative data were analysed using an initial open-coding method to identify the key themes and patterns in the data. This was followed by further selective coding to examine similarities and variances between the emerging themes and patterns, which led to the development of the core themes – those with the highest frequency and most relevance to the examination of the research questions (Charmaz, 2000; Dey, 1999; Janesick, 2000; Kelle, Prein, & Bird, 1998; Punch, 1998; Ryan & Bernard, 2000). The NVivo qualitative software program was used to undertake the coding of qualitative survey data for these analyses.

Significant challenges were experienced in recruiting both professionals and parties involved in PPP500 matters. Despite the regular distribution of the invitations to participate and project information sheets, together with the judicial registrars notifying professionals and parties of the opportunity to participate during their conciliation conference, only four parties were able to be recruited to participate in the interviews. Nevertheless, these interviews, together with the interviews with professionals, reflecting on their experiences with, and feedback from, their clients, provided valuable opportunities to understand the operation and impact of the PPP500 Pilot program from the perspective of those parties using it.

Table 47 illustrates the demographic characteristics of the professionals participating in this qualitative interview component from each of the four PPP500 Pilot locations.

**Table 47:** Qualitative interviews with professionals: demographic characteristics

Participant characteristics	Sample (n = 33)	Sample (%)
Gender		
Male	9	27
Female	24	73
State (deidentified)		
State 1	9	27.5
State 2	10	30.5
State 3	6	18
State 4	8	24
Profession		
Lawyer	24	73
Registrar	8	24
Judicial Officer	1	3
Current practice		
Private	17	52
Public	12	36
Private and public	4	12
<b>Total</b>	<b>33</b>	<b>100</b>

## Who is accessing the PPP500 Pilot?

A total of 14 professional participants indicated that the client base accessing the PPP500 Pilot was characterised by one or more of the following attributes: experience of family violence, financial vulnerability, living with a disability, mental health issues, substance use issues, being from a culturally and linguistically diverse or Aboriginal and/or Torres Strait Islander background, or otherwise experiencing an inequality of bargaining power. A further 13 participants indicated that the main vulnerability characterising the PPP500 client base was the client's experience of family violence. Additionally, two professionals reported that the client base participating in the PPP500 Pilot were characterised by financial vulnerabilities only.

Below are some reflections from professionals that captured their views on the complex circumstances and experiences of the client base accessing the PPP500 Pilot:

*There is a broad range of people [who access the PPP500 Pilot], but in the main, they are people of a lower socio-economic background, and obviously people that have had some impact in their lives through DV and/or some of the other symptoms that come with that drug, alcohol abuse, mental health issues, and the like. (P23, Judicial Officer, State 2)*

*I would say that there is a greater presence of unrepresented people in the PPP500. And at times people with mental health issues or with family violence being present in the circumstances of their case. (P32, Registrar, Male, State 4)*

*I had one [PPP500] client who met the criteria because of her – she had multiple different disabilities and had experienced domestic violence and had PTSD. And my other client had also suffered from an intellectual disability and also identified as Aboriginal, both in addition to experiencing domestic violence from the partners that they were seeking the property settlement from. (P02, Lawyer, Female, State 2)*

*My observation is that in a very large majority of [PPP500 Pilot] cases, there is some sort of dynamic that is of concern. Either there is an imbalance of power between the parties of some sort, whether that be emotional or economic at the minimum. Or (B), there are serious concerns about various forms of financial abuse, or (C), there are current family violence orders and there has been instructions raised about physical violence and intimidation. So, my observation is that overall, my best view that I can give you is that um, a very significant majority of matters involve some element of risk as between the spouses. (P19, Registrar, Male, State 2)*

*So generally, people who access the pilot, so people who have a low property pool might have health issues and might be of a lower social or economic earning capacity. (P14, Lawyer, Female, State 2)*

*Often there's that generational poverty; often I see the – you know, long-term unemployed, and this goes back to even when I was in private practice in a law firm, sometimes we do PPP500 files [indistinct] from that side ... there's also the immigrant and refugee in and that extra vulnerability around parties who may or may not have a visa status but is reliant on their partner, and that presents a particular vulnerability, as well as the family violence that we see routinely, and other than that yeah, they're just often – just good, honest hardworking people who just have a low socio-economic – you know, a low level of education and therefore don't have high incomes so that yeah, you know, they still have a little nest egg for themselves but you know, it's all they have. Their property and their superannuation. (P22, Registrar, Female, State 1)*

## Access to simple, quick and low-cost property settlement outcomes

Parties and professionals participating in interviews were asked for their views on whether the PPP500 Pilot has provided accessibility to low-cost court facilitated outcomes for parties in small pool property matters. Depending on whether they answered this question in the affirmative, participants were also asked to consider the factors facilitating accessibility.

### Views of parties

Some parties reflected very positively on their engagement in the PPP500 Pilot process, describing the process as simple, easy to use, and well explained and the forms as manageable. For example, this self-represented litigant reflected that:

*I did find it simple and easy to use. I mean, I guess it's hard because you never really know what to expect, and I didn't really talk in detail with Legal Aid about what to expect. And it was a fascinating journey to go on ... the registrar had somebody else that came in and kind of talked to everyone and told them what to expect, so it was all – it was all handled very, very professional, and was easy to follow and understand. (F11, age 40–49 years, State 1)*

For this female interviewee, who described experiencing family violence perpetrated by her former partner, the ability to participate by phone was empowering and did not interfere with her ability to navigate the legal process:

*I did find it all quite straightforward, easy to navigate. I did really appreciate that there – you could phone in through audio, rather than video. I found that really helpful. And that helped me feel safe and secure as well, to just be a voice on the phone rather than to be seen. But no, as I've said, I think, already, for me, the court process was something that gave me happiness, really, if anything. Yeah, it really helped the process. (F11, age 40–49 years, State 1)*

Another interviewee spoke of the difficulties participating, even in this simplified process as a self-represented litigant:

*Yes I did (find it simple and easy to use) and, as I said, I think it could be difficult for someone who didn't have a grasp of, even a basic knowledge of, the legal system. You couldn't do it by yourself if you didn't yeah ... Look I found it easy but again I'm in [profession] so I was able to find things and look things up, more confidently research and things. But it was okay I could find what I needed to do. There was probably a couple of things that were a bit ambiguous or you sort of thought you were on the right form but then you needed to fill another form in. But it was a matter of collecting all the evidence and things like that. (F12, age 50–59 years, State 2)*

This party suggested that the court could have explained the PPP500 process better and provided more specific information to make the process simpler. She described an example of asking for further information and receiving automated and generic email responses from the court that did not answer her questions about the PPP500 process:

*... it was an automated – you were responding to a general email, you know, no I didn't feel I got any assistance from the court whatsoever. And I wasn't asking for legal advice. I was literally asking what they were asking me to do because I had an email from them that said, you need to do further and further submit something else. So, they kept saying oh you need to get legal advice. Well, I wasn't asking for legal advice, I was asking about the process. (FI2, age 50–59 years, State 2)*

Another party who represented himself in the PPP500 process after exhausting his funds in previous attempts to resolve property and parenting matters described feeling at a disadvantage, including with respect to processing and understanding legal information. Receiving information from his ex-partner's legal representative just prior to their hearing was also identified by this interviewee as particularly challenging:

*So I asked for obviously more information on that [ex partner's debt]. I didn't actually receive that information till about two minutes before my phone call with the court from her lawyer so I was severely handicapped to start with self-representing but then I get all my information – I get like 25 attachments in an email two minutes before the hearing, like it was – it was pathetic, to be honest from [the lawyer's] part but it was strategic too, obviously. (MI3, Age 30–39 years, State 2)*

The benefit of legal representation was emphasised by one party (MI4, 40–49 years, State 2) who explained that his experience of the PPP500 was that it was 'simple' and 'very painless' as his solicitor helped him to complete the required forms and to obtain financial disclosure. This party described the PPP500 as the only option left open to him as he had been unable to engage in negotiations with his former partner in relation to their property settlement and the arrangements for their debt, in particular.

For the female parties who participated in interviews, with their limited financial resources and unequal bargaining power, the PPP500 also emerged as the only option to resolve their post-separation property arrangements:

*... he [the other parent] wouldn't come to the party on anything. So I started divorce knowing that within 12 months I had that um time frame that I needed to organise property settlement. And I knew that we didn't have a lot, we were talking, you know, the house and the equity and whatever. So I didn't want to pay a massive amount of solicitor's fees to fight over essentially not a lot. But equally I wanted my name off the mortgage, I wanted to move on, and all the rest of it so I went online and applied online to um to represent myself like just with the forms that you get through the commonwealth portal or whatever it's called ... So submitted all the applications, just ... paid the fee and then they came back to me and said that ... I was a candidate for that 500 pool, whatever it's called. (FI2, Age 50–59 years, State 2)*

*So really for me there was just no other option but to go through the court system because we couldn't communicate and I couldn't have my name on a rising debt – forever rising debt ... I just knew that I had no other option. I knew I couldn't just sit around and do nothing, and wait – you know – and be bullied by him, essentially. (FI1, Age 40–49 years, State 1)*

## Views of professionals

Most professional participants ( $n = 30/33$ ) reflected positively on the PPP500 Pilot as providing low-cost, court-facilitated outcomes for parties with small property pools.

### PPP500 provides access to a cost-effective legal process

Many professionals indicated that the PPP500 Pilot provided a cost-effective option for parties with limited financial resources to access a court process in circumstances where it would not have had been feasible to pursue a property settlement due to the prohibitive costs, delays and stress associated with engaging in the standard litigation process, particularly where there was an imbalance of power. These professionals suggested that parties might potentially have to walk away from a resolution due to these barriers. For example, the registrar quoted below explained that the pilot provided access to justice for vulnerable parties:

*I think the pilot has enabled parties, in my view, who would otherwise have walked away, to at least bring an application to court and get some kind of property settlement in circumstances where, had there not been that specialised program, that because of the imbalance of power, they wouldn't have attempted it. (P19, Registrar, Male, State 2)*

Speaking to the theme of access to a process for vulnerable parties, a different lawyer explained:

*It [standard litigation] becomes quite difficult for people, and I've found the PPP500 has assisted people taking up the court process where it wasn't possible to negotiate out of court. You just can't negotiate with some people. You can try all you like and there needs to be that court involvement or the supervision where they will eventually respond, where they're forced to respond to the application. And I've found that people have been much more comfortable with the quotes that we were able to provide for costing for PPP500. (P09, Lawyer, Female, State 1)*

The costs associated with the standard litigation process were identified by many professional participants as prohibitive for the parties who were now able to access the legal process through the PPP500:

*And traditionally in the court what we would see is that by the time these matters – without the PPP500 Pilot in place, by the time these matters reach their conclusion in court, more than half of the asset pool would have been spent on legal fees ... So what this pilot has done effectively, and what I've seen it do time and time again, is the parties have been able to settle. They might have spent five or 10,000 dollars on legal fees, not 100[,000] ... Because we've had a hearing before a registrar. Generally, the [PPP500] matter would go to a conciliation conference, and it would settle then and there ... And also, the fact that it was enhancing the time frame that they had – you know, rather than two years in court, it was, you know, on average six months. (P18, Registrar, Female, State 3)*

This participant explained how there were 'very limited options' available to parties before the implementation of the PPP500 Pilot, highlighting that parties who needed access to a legal process rarely had the means to do so prior to the PPP500:

*So, from my perspective, prior to the pilot there was very limited options. Certainly, when I was practising law, I would meet with a lot of parties who were incredibly stressed because they needed to go to court but they didn't have the money to run a two-year matter, you know. Their pool and their economic status was, you know, not at the level where they could afford that, but they needed to go to court. (P18, Registrar, Female, State 3)*

A different registrar drew a striking comparison between the limited options some parties had before the PPP500 was implemented and the 'terrible issues' that these options would cause for parties, and the options available to this client base through the pilot:

*That's the problem we face in our society is because the legal fees are so expensive, people that don't have as much money are not having their matters dealt with properly. They're trying to get matters resolved, you know – you know, between themselves and then, you know, legal – proper legal arguments aren't being drawn up and it can create all sorts of terrible, terrible issues. But this pilot has finally given these parties a launching pad to resolve their matters more quickly and I've not heard one person in the profession state anything negative about this [PPP500] Pilot. (P18, Registrar, Female, State 3)*

Many participants also considered the specific benefits, both economic and non-economic, for vulnerable parties, particularly parties who had experienced family violence or whose circumstances were otherwise characterised by an inequality of bargaining power. For example, a lawyer explained how these two types of benefits work hand-in-hand for vulnerable parties:

*I think that it's [the pilot has] certainly made access to justice a lot easier for those parties who I sort of term, you know, in that sort of missing section of society who can't get legal aid and who can't generally afford a judge-led list ... There's less inclination of parties to draw out the process because the process is so well-managed in the registrar-led program that they just – you know, if they don't disclose something the registrar will adjourn for two weeks, you know, whereas if you were in a court list the parties tend to get away with it and draw out the process – which just increases the cost, so I do think that from a cost perspective access to justice is increased by the PPP [500] program. I think that you've got more of the vulnerable parties who would be naturally intimidated by the court process. They feel more comfortable in the PPP [500] program – which is a large portion of my client base ... I don't have clients with buckets of money ... And yet, they're able to achieve a result that usually both parties – they may not be over the moon about but the matter is finished and they're able to get on with their lives – within usually a six-month turnaround. (P07, Lawyer, Female, State 2)*

## Simple and expedited PPP500 process

Key features of the PPP500 Pilot that were specifically nominated by professional participants in this context included the streamlined structure and expedited approach adopted in the PPP500, the simplified documentation and the intensive case management undertaken by the judicial registrars administering the Pilot. Professionals described the benefits of this less costly, expedited process for their clients with limited resources, identifying the shorter time frame for the first return date, the requirement for fewer documents to be filed and the pre-return date preparatory activities undertaken to ensure the matter can proceed on this first court date. For example, the following lawyer spoke of the benefits of a shorter legal process in keeping costs low for parties and, more broadly, enabling them to ‘get on with their lives’:

*I think probably the speed at which it moves people through is ultimately to the parties' benefit because the longer the matters go for, the more expensive they tend to become. So, by getting them in and out more rapidly than some other matters and letting the people get on with their lives with the bit of money they do have is ultimately – you know, it's going to be to their benefit ... Otherwise they – you know, if you've got two people who have 500,000 dollars and they each decide they want to spend 100,000 dollars each on their lawyers well that's an awful – that's an awful lot as a proportion of their total property. (P13, Lawyer, Male, State 2)*

These professionals, including the judicial offers quoted below, underscored the importance of the speed at which matters progress within the pilot as being key to alleviating parties' economic distress and ensuring that assets are not ‘tied up’ for extended periods of time:

*During the [pilot] process, if they were represented, it could have been slightly more costly because of a few more court events ... If they're self-represented, then no cost disadvantage unless they have to give up a day of work. Very hard for me to comment on. But, overall, because of the speed in which these matters were determined and dealt with and in the system, there was a far better, a potentially far better outcome financially for them because they had their result, they could move on with their lives. They weren't in abeyance for so long with potentially their side of the pool tied up and/or being wasted. (P23, Judicial Officer, State 2)*

Some participants emphasised the reduced number of court forms required to be filed to initiate proceedings in PPP500 matters and the simplified nature of these forms as particularly beneficial for financially vulnerable parties who would not ordinarily have access to the court process. For example:

*... [With] the initiating documents being so much less with a PPP500, they're much more cost-effective. (P21, Lawyer, Female, State 3)*

Another lawyer highlighted the importance of the streamlined PPP500 documents noting the benefit of not needing to file an affidavit in PPP500 matters in particular:

*I think the most notable difference is filing. You know, sometimes it's quite cumbersome for a client who is not of significant wealth to spend a lot of money filling out the normal initiating application, financial statement, and the affidavits. So those affidavits sometimes can cost a significant amount of money to a client who's not eligible for Legal Aid, and sometimes I guess it's a bit disproportionate to the total sum of the value of the dispute. So I think the biggest difference is the way in which the proceedings are commenced, and by answering the financial questionnaire [summary] essentially you get a lot of that information that you would from an affidavit but in perhaps somewhat of a shorter form, and because it's a question and answer type form, you know, where you just fill in the relevant information, clients are actually able to complete most of that themselves, with very little guidance or assistance from the solicitor. So, I think that's very helpful to significantly reduce the fees that a client incurs in just getting things going. And, it also gives them a little bit of insight and control over, to what's happening because they're more actively involved in filling out that information and it sort of sharpens their mind about what the information and what the evidence is, which I have found flows into obligations of disclosure because the client is aware that they've filled out a question for what is your bank account balance, for example. (P11, Lawyer, Male, State 4)*

In his response, this participant observed how cost-effective the simpler financial summary form is for financially vulnerable parties who are self-represented, explaining that this documentation is relatively simple for self-represented litigants to use. He then continued, speaking to the role of the registrar and their case management approach within the pilot as contributing to significantly cutting financial costs for parties:

*In terms of the registrar's case management, I think registrars are case managing in most registries now. But look, I think streamlining the case management is also a good thing because it just gets to the heart of the issues quickly ... And so, I think that's helpful rather than the matter being delayed or adjourned ... So I think just moving that stuff through quickly - obviously there's a real cost benefit to the clients at that stage as well. (P11, Lawyer, Male, State 4)*

This participant articulated the benefits of case management and more intensive monitoring to support improved engagement and outcomes at the dispute resolution stage. The reassurance provided by the registrar's more intensive case management and the greater simplicity in the process were also highlighted in the following example by a registrar who provided an example to illustrate the support that registrars provide to parties through the pilot:

*I had one legal practitioner say to me that she now gives advice to - and she says that she saw a large cohort of women as part of her practice, that she says, well, here are the forms to commence your proceedings; the registrars will look after you. So, the reduced complexity and the terms of getting the matter to court, and the assurance that there will be clear accountability. (P19, Registrar, Male, State 2)*

This registrar also emphasised the way in which the simplified and streamlined process alleviated economic hardship and financial distress for parties with limited financial resources:

*... there are very few interim applications for example ... the speed of resolution has meant that the economic hardship has been alleviated quickly because of the finalisation of the proceedings. Before the new court and before the new rules, and before having the additional senior judicial registrars, it would have been many months, for example, before an interim, financial application would have been heard. So, I don't know if I can speak too much to during ... only for duration of proceedings, but certainly afterwards well, yes, of course, the parties get the benefit of a financial settlement and should hopefully - have orders put into effect within say 30 days of being - final orders being made. And in this current environment I've seen many orders of homes to be sold, so there's sort of access to liquid assets fairly quickly, so to that extent, yes, the financial hardship is alleviated quickly. (P19, Registrar, Male, State 2)*

For parties who have experienced family violence, the streamlined process, reduced documentation and the removal of the requirement to file affidavit material were also identified as reducing the trauma that may be experienced in a standard litigation process:

*So, I think that for a victim of family violence that is huge to them being able to recover, move forward and just, yeah, assist them with their anxiety and, yeah, definitely six months as opposed to two years or more, it's a huge benefit, yeah, definitely. I think it can be really scary going to court and having lots of formal documents. Going through an affidavit and having to recount that family violence in an affidavit and then having to read the other person's affidavit, I think that can be very triggering for victims of family violence as well, so although there was no sworn evidence which I guess makes it, yeah, a little bit like sort of taking away that layer of honesty ... but at the same time not having to give an affidavit and read an affidavit I think for a victim of family violence could be - I think that they would appreciate not having to do that and not having to go through all of that trauma again. (P16, Lawyer, Female, State 1)*

For this participant, while there was a potential limitation in the absence of sworn evidence at the registrar-led phase, this negative was identified as being outweighed by the reduction in stress, trauma and costs of the PPP500 Pilot process:

*If parties had to pay private legal fees, if you've got a property pool of 500,000 dollars or less you don't really want to be spending a lot of money on lawyers so if a lawyer could give an estimate of their legal fees up until this point and it was a lot less than, say, two years and having to draft and file all those other documents and go to all those other court hearings I think that clients could get legal representation, alleviate that stress of having to represent themselves whilst not having to fork out a lot of money on legal fees, and if they were to represent themselves I think that going through the PPP500 is a lot easier to understand, you know, a lot more simplified, faster and I just think that it would be a lot less daunting than having to go through the mainstream process. So, I think whatever way you look at it there are definitely benefits whether you're going to engage a lawyer or whether you're going to represent yourself. (P16, Lawyer, Female, State 1)*

Notably, this lawyer pointed to the accessibility of the PPP500 process, with or without the benefit of legal representation. For other professional participants, the expedited process was critical in enabling parties to retain legal representation at reduced costs, with this ability to be legally represented a key benefit for parties who were unable to afford the standard litigation process.

It is also important to note that a small number of professionals observed that the financial summary form could be more user-friendly and recalled that there were instances where parties had to pay a conciliation fee, meaning that in their experience, the PPP500 process was not as cost-effective for parties as it could be.

## Financial disclosure in the PPP500 Pilot process

Professionals participating in interviews were asked for their views on whether the PPP500 Pilot process supported financial disclosure for parties in small pool property matters. More specifically, professionals were asked whether there were processes that supported or inhibited financial disclosure.

### Views of parties

All four parties interviewed for this evaluation raised concerns about whether their former partner/spouse had made full and frank financial disclosure. One female provided positive feedback about the registrar responding to her concerns about financial disclosure on the part of her former partner. She detailed how the registrar provided her with the opportunity to illustrate the nature and extent of the non-disclosure, with this information then informing the outcome. Another female party recounted how she was able to use evidence to counter her former partner's lack of financial disclosure. A male party referred to his former partner's lies but did not identify the nature and/or extent of non-disclosure during the interview.

### Views of professionals

There were a range of reflections that professionals shared in relation to financial disclosure. Some professionals reflected on the processes in the registrar-led limb and the skilled registrars implementing it as supporting earlier and more comprehensive financial disclosure. Other professionals identified limited difference between mainstream processes and the PPP500 processes on the question of financial disclosure. There were also those professionals who reflected that financial disclosure was less of an issue in PPP500 matters because of the size and lower level of complexity of the PPP500 asset pools, but there were also some professionals that expressed frustration at the challenges where parties failed to make full and frank financial disclosure, particularly where parties were self-represented or where parties lacked access to relevant documentation in circumstances characterised by family violence or because they lacked computer literacy or access to technology.

When reflecting on the PPP500 Pilot processes that supported financial disclosure, professionals identified the role of the registrar as key to facilitating disclosure. For example:

*... in one of the matters I had, there was a couple of disclosure issues ... so in the case management hearing, the registrar asked directly what is outstanding, have you asked for it, when did you ask for it and then made orders that those things will be provided by this date ... and then it was listed for another case management hearing, so there was quite a focus on making sure that those disclosure issues were dealt with and then orders made quite specifically to deal with them and then list it for another brief mention to make sure that they had been done. I suspect that if they hadn't been done, then it would have been perhaps transferred before a judge. Just those things, those case management hearings there is sort of about 2 to 3 weeks between each other and if you had dealt with those disclosure issues, you can advise the court that that had occurred, and case management date could be vacated. (P01, Lawyer, Male, State 1)*

Similar reflections were made by the following judicial officer and registrar who also described the important role played by registrars in the PPP500 in supporting parties to make full and frank financial disclosure in the registrar-led limb:

*... the registrars ... were right onto that, and, as a result, people tended to provide more disclosure, better disclosure, than the mainstream matters. Yeah. And, you know, it's simply because they were – it was a focused approach. 'You will do this and you will come back to see me. If you haven't done that, this is what's likely to happen'. (P23, Judicial Officer, State 2)*

*The PPP500 list is different in that it encourages disclosure prior to the first court date by ordering the disclosure in chambers and prior to its arrival before the judicial officer that's hearing them the first return date. There's an expectation that there's been some disclosure that's happened even prior to the first court date. There's a general expectation that everyone deals with disclosure prior to the first the court date but people have been historically lax with that. I think the PPP500 list has permitted a greater intensity or a greater presence of registrars in dealing with disclosure. I will make specific orders for disclosure now*

*whereas the practice prior was simply, you would make standard orders in accordance with the rules for disclosure. I'm happy to hear issues of disclosure. I put issues of disclosure to bed so that no one deals with it until later or at all until there's a resolution. (P32, Registrar, Male, State 4)*

The following lawyer also reflected positively on the experienced registrars managing the PPP500 registrar-led limb in their registry:

*I think there's a big difference in the experience levels of the registrars. I mean I don't know if that's deliberate, but registrars on the Discrete Property Listing seem be more experienced or more – I don't know if they've been selected especially or they just put their hand up but they seem to have a greater understanding of the nonsense that goes on in family law ... if you have a less experienced registrar they're more likely to, I don't know, maybe be a little bit naïve to some of the nonsense that goes on in terms of, parties not disclosing their interest in a family trust, for example. Or not disclosing their interest in a company. And when you've produced a search that shows they're a director of a company and you haven't got any disclosure regarding either the trust or the company, or any of the disbursements from that entity you're like a little bit shocked, whereas those of us who have been around this a while ago, look, we need disclosure on this and you haven't provided it to us. (P04, Lawyer, Female, State 2)*

Participants highlighted the registrar-led limb process in PPP500 matters and the proactivity and preparedness of registrars in this process to engage with parties and to make orders requiring the production of documents. For example:

*... perhaps their [the parties'] capacity to understand the importance of disclosure, and their obligations in respect of disclosure, is an issue. So, that's ... why that first return date, I ... allocate at least half an hour for each first return date, as a PPP. And a lot of that time would be spent explaining to the parties their obligations, explaining that, what the law says about those obligations, explaining the consequences of not complying, and explaining just the practical ramifications of complying ... So for example, what I often say to people is it's not a matter for you to choose whether or not that document is relevant, if it's relevant – if it's in the financial statement, it's referred to in the affidavit, it's, you know, referred to as one of the facts in the case, then you need to provide it. And whether or not you think it's important or not is again not – not a matter for you to decide. And if you want the matter to resolve, you should provide absolutely everything because there's probably not a great deal of trust between the two of you. And if you provide all of that information, and every little document that you've been requested, you can be assured that the other party won't have any reason to not resolve the – the dispute with you. ... And it's that transparency of financial position that the parties don't necessarily understand. So it's – I think it's explaining their legal obligations, but also explaining what that means in real life, and what that means in relation to if they want to settle the matter, that helps – if they understand that, then they are more likely to actually sit down and comply and do it because it's a horrible task to have to get all of that stuff together and there's a lot of it, a lot of them don't necessarily have great access to, you know, some – some of them are going into banks to get bank statements, they don't have online banking. (P20, Registrar, Female, State 2)*

One of the lawyers, reflecting positively on the role of the registrar and the operation of the registrar-led limb and financial disclosure, described a case involving assets in the \$350,000-\$399,000 range where there had been family violence leading to the male party being removed from the home. The case management approach, including in relation to financial disclosure, supported the matter to settle in approximately three months from filing:

*There was an initial hearing with some initial directions made and it was set down for conciliation conference. Then there was a case management hearing, in early August, and the next case management hearing was listed for late September and orders were made regarding disclosure and then it went to conciliation conference in early Oct[ober] and settled on a final basis. Given that it was initially filed in late May, that's pretty good turnaround. (P01, Lawyer, Male, State 1)*

For this lawyer, the registrar-led limb of the PPP500 was identified as particularly effective in focusing parties on the task of making financial disclosure:

*The fact that the registrar was asking a lot of questions about that, that was done through the process of case management, I think that that was useful to make sure, to keep everyone focused on that and to make sure that the parties are doing it. That doesn't, in my experience, happen a lot in the mainstream, and the response that you often get is that you should issue a subpoena and that type of thing and that is annoying at times. I think it's probably the greater amount of registrar management should be applied across the board. (P01, Lawyer, Male, State 1)*

The hands-on approach to case management and in relation to financial disclosure, in particular, was identified as critical to the timely progress of matters before the court:

*Well, I can say from experience that the – so we've got a few new registrars in and what I'm loving about them is their directions they give before a conciliation conference. So they're very detailed. And it sort of – it really does force the parties to get their act together when it comes to disclosure ... I think that that's been really great. And I did read an article about one of the registrars who was talking about – the newly appointed one – that when she was a solicitor, that was her pet peeve, that people just weren't prepared, and if you're not prepared, it's less likely to settle. The directions given in the conciliation conference, in order for them to go ahead are very detailed, and I like that. [It] keeps people on track with disclosures ... so they'll give a time limit that you've got to have mutual informal discovery by this particular date. But then by this particular date you've got to send to the other side an itemised statement of assets and liabilities [and then] ... by another date, the other side have to get it back to you, and then there's another date, where you need to be able to provide that joint statement of assets and liabilities to the court. And if there are any differences, you've got to have notations as to why it's different. They also give directions about valuations, like if anything's not agreed upon, then you've got to have a valuation date by this. They're also really specific about the superannuation. which is great ... So really, by the time you get to that conference – oh, you have to do conference particulars as well. Seven days before, both parties, and provide it to the court. But there really shouldn't be an excuse not to be ready. (P05, Lawyer, Female, State 3)*

This process of focusing lawyers' and parties' attention in the registrar-led limb was identified as key to streamlining the court process and requiring parties to take the process seriously from the outset:

*However, in PPP500 you get those orders of disclosure right away. Here in [City], [Name] the registrar, would always expect that. But now [they are] able to issue the orders almost right away. And the other side, gets a bit of a shock; oh, things are already happening and I've not even filed my response yet. This is legitimate. I think it legitimises the process and it makes the other side feel like someone bigger than them is watching over the prospects – the progress of the matter. (P16, Lawyer, Female, State 2)*

*Yes, definitely because it gives people – you also have an opportunity to seek specific disclosure and specific classes of documents in the Rules. So, for example, I had a matter where we wanted a will because someone had inherited post-separation. We knew someone had died and there was a mortgage involved at a house and we wanted to know about the will so we sought an order for just a specific class of document which was a will and got that order and then the person had to produce it, by court order, whereas otherwise they were resisting. So, yes, I think it's good, it gets people to disclose and it gets people to mediate and have valuations. There are people in the mainstream system in the past, I've had people spend up to a year in court going back and forward with, you know, sort of half-baked orders which don't fully cover the issues and now you sort of get all those issues covered in one set of orders at the first return. (P14, Lawyer, Female, State 2)*

*... disclosure was the main thing. I mean the parties still didn't reach an agreement, but it was still more – I don't know, I think it was more focused, the discussions were more targeted on the day, so I think it was better use of practitioners' time and the parties' time. (P04, Lawyer, Female, State 2)*

Indeed, lawyers referred to the need to adjust their expectations and practices in relation to the case management approach employed in the registrar-led limb, a key factor identified as associated with the PPP500 Pilot that supported better financial disclosure (P15, Lawyer, Female, State 1):

*... because practitioners are now fully aware what the obligations are ... So as soon as you know we've got to commence proceedings and this is going to be allocated as a PPP500 matter, or you're going to seek it to be allocated there, you're going to want to ensure that you've complied with the requirements of disclosure and valuations first. (P03, Lawyer, Male, State 2)*

The expedited process and early financial disclosure were seen to go hand-in-hand with, and as supporting parties to be able to work towards a resolution without the financial 'disclosure becoming outdated' due to delays:

*With the PPP500 because it all happened within a six-month period there isn't as much disclosure that needs to be updated. The circumstances don't change dramatically whereas when you're having a case in the mainstream process and it might take up to or more than two years, you're constantly having to update financial disclosure so it's more documents to be disclosed, circumstances might change. I've definitely had that in the mainstream process where people's situation changes. Properties are sold or*

*whatever it is, you know, jobs are lost so when it's in a shorter period of time the situation is more likely to stay the same. The financial circumstances are more likely to stay the same. (P08, Lawyer, Female, State 1)*

Most professionals did not identify the circumstances of the COVID-19 pandemic as a significant factor in whether parties made full and frank financial disclosure, with this largely related to the simplicity of the parties' asset profiles (e.g. P21, Lawyer, Female, State 3; P13, Lawyer, Male, State 2; P19, Registrar, Male, State 2; P12 Lawyer, Female, State 4). However, some professionals did refer to the volatility of the real estate market in the context of COVID-19 as a factor where updated valuations may be required.

More generally, lawyers also reflected on the need to consider the question of financial disclosure in the context of encouraging clients to take a commercial approach when pursuing disclosure in the PPP500 Pilot process:

*... you're not going to chase every rabbit in every borough like you might in a \$6-million matter because you just don't have the money to spend on legal fees. So it's up to the practitioners to be mindful of that when they're doing that. But at the same time, I don't think it's any more prevalent, meaning lack of disclosure, in these matters than it is in other matters. (P33, Lawyer, Male, State 4)*

*And I guess the PPP500 program, the way I've approached it is it's a minimum asset pool and you don't necessarily have the funds to work out beyond this case management system, so let's try and resolve it on those lines. (P03, Lawyer, Male, State 2)*

This suggests the potential for a less strict or less formal approach to financial disclosure to be applied in some circumstances in PPP500 Pilot matters:

*There has been a tendency for practitioners to overcomplicate disclosure and the PPP500 has allowed us I think, to be less formal with the requirements of disclosure or less stringent with that disclosure. Because we're dealing at times with \$100,000 and unless someone is asserting that millions of dollars are hiding, then what's the point of everyone having two- or three-years' worth of bank statements, you know what I mean. I think that's probably the great benefit in the PPP500 that you can be very real and practical with people because of the nature of the money they're dealing with. You can take levels of commerciality and you can discourage overcomplication, which at times lawyers are very good at doing, not for any reason other than they're there for their clients, they have rules they have to follow, and people have different practices. But the PPP500 allows us that informality shall I say, to assist and resolve matters in that way. (P32, Registrar, Male, State 4)*

In this context, and as foreshadowed earlier, the scope of the PPP500 Pilot was identified as facilitating financial disclosure in that the matters with less complex asset pools could more easily comply with disclosure requirements:

*One of the benefits of the tight restriction on eligibility for the program – that is that essentially the only property that is usually characteristic of the pool is a house and superannuation, and that the business interests are excluded means that the volume of production of documents is fairly limited, that is required, it's usually a superannuation statement – bank statements and notices of assessment, which means it's much easier to manage. So if there is a failure to produce a specific document, then there can be an order for production of a specific document very fast. (P19, Registrar, Male, State 2)*

*You're still required to produce your documents pursuant to the rules. I guess whether [the financial disclosure] is adequate or not is – really depends on – will only really depend on how – how complex or otherwise the case is. Because if it's a reasonably simple case, you know, house, car, superannuation. You don't need – and if the parties are PAYE tax payers you don't need a great deal of financial information. But if they're not, if they're running small businesses and there's complex tax debts and liabilities and all of those sort of things then it becomes much more difficult and it's sort of a bit of a balance. There's not much there to fight about but there's also the same need to be satisfied about what there is there ... The financial summary in the pilot I actually think is quite good. It's much better than the financial questionnaire for the – financial questionnaire for the mainstream matters ... the structure of the PPP500 financial statement is not unlike the sort of statement that – it would be – it's a good guide to preparing an affidavit because it asks, you know, what – it goes through some sequential order about employment and obligations of homemaker and parent and all of the s 75(2) factors. (P27, Lawyer, Female, State 1)*

However, one lawyer was less positive in their reflections on the PPP500 Pilot financial summary form when considering measures to support clear financial disclosure:

*I actually don't personally like the financial summary ... they don't have to be on oath ... they don't have to swear it in front of or affirm it in front of the JP or a lawyer and I think the financial statement seems to have better identified the assets a lot easier in a financial statement. I would prefer that it was a financial statement for everybody ... I thought at the beginning it was because I wasn't used to it and – but you know, I've been doing these now for almost two years so I still don't really like it, you know personally as much as I do prefer the financial statement...in the financial statement if I do a comparison, they identify – there's a summary part where they identify what their income is, you know their weekly income. Then ... the next step was what their expenses are, their weekly expenses, then their assets, then their superannuation, their liabilities and indemnity financial resources. In the summary, it is summarised at the end but it's not so clear as to you know, whether there's a house and you know what their income is. You have to sort of scroll through and read through the information more to identify exactly what it is that they – like what their income is or – and what the assets would be. I mean it is summarised at the end and you can see it more at a glance but you have to scroll through a lot of – you know like to the end of the form to see what the actual assets are. (P29, Registrar, Female, State 3)*

When asked about the factors that inhibited financial disclosure, professionals also identified the complex dynamics of parties to proceedings as contributing to non-disclosure:

*(We are dealing with) the various dysfunctions of humans ... Some people just don't want to do it. (The matters are) complex in the sense that you're dealing with difficult personalities. But the cases themselves had no complexity. No trust issues, no tax issues, no corporate issues. It's just a garden-variety property matter with a personality that's difficult. (P23, Judicial Officer, State 2)*

*It just depends on the individual, depends on, you know, sometimes we have people who are illiterate, you know. We have people who you wonder why they haven't managed when they, you know, are a, you know, are working in a normal, you know, sort of job and you can't understand why they haven't done it, is it just an excuse. That they might just be making, you know, just making it difficult. So then I'd usually give them short compass to get it, sort it out and make some notations on the orders about what was going to happen if they didn't, and usually they'd comply. So the other party can also issue a subpoena and stuff if people – and then I talk to – I say to them well if they have to issue a subpoena, we're going to have to talk about their costs about that, so why don't you just do exactly what you're required to do and then the other party's not going to have to take it further. So it's – it's about I think, a lot – a lot of the conversation that I've had is, with people, is putting it in as simple terms as possible. Things can done the hard way or they can be done the easier way. You can make this bigger than Ben Hur or you can do what's required. And actually the process, if it's followed ... there is a – a light at the end of the tunnel, and that is a resolution to this. But you can make it – you can go to the easy way or the hard way, but there are ways and means, and you know, we've seen it all – you know, we've seen it all before. A lot of people think they're being tricky or something and I think ... that's just family law in general, is litigants, particularly self-represented litigants think they're doing something that's tricky or, you know, something amazing that no-one's ever seen before. Well, every trick in the book's been tried and this is, you know, we give people one opportunity, explain to them, what they need to do and why and then if they don't, then we have to, you know, make a decision about where it goes from there. (P20, Registrar, Male, State 2)*

Some professionals expressed frustration at the difficulties in dealing with parties who refuse to comply and to make financial disclosure, with some lawyers indicating that they did not consider there to be a difference in measures intended to enable financial disclosure in PPP500 and mainstream processes (P21, Lawyer, Female, State 3):

*It's like bashing your head against a brick wall, to be honest, like. So we've – we've sought disclosure, we've sought a court order for disclosure, we've asked the court to enforce disclosure ... and we've got to have the documents. So we can't allow, you know, we still can't come to an agreement because we just don't know what the asset pool is ... No, I can't say it's better [the PPP500 pilot] I think it's the same. It depends on the individual. It depends on the solicitor. It depends on their willingness to disclose and settle. (P04, Lawyer, Female, State 2)*

*I think the disclosure process has pretty much remained the same in terms of what we were requiring to produce before and after the, the pilot. (P25, Lawyer, Female, State 3)*

*So, I mean, the disclosure process is onerous no matter whether you're judge led or in the PPP. It's just there's more pressure on practitioners and parties to provide disclosure much earlier in the PPP list.*

**(P07, Lawyer, Female, State 2)**

*... it's totally the same. In the mainstream process, the only thing is a bit more tricky because they might have businesses, trusts, you know, a business – structure that's a bit more complex. Rather, it requires a bit more time. This – the PPP500 that is, is just to have the time, so it has great capacity to get over it quicker. The other option with PPP500 it may be, at the moment, perhaps, senior judiciary registrar can run final – run the final hearing, for example, because it's – you don't to matters \$500,000. The law is not that complex. (P30, Registrar, Female, State 4)*

*I'd like to say yes [that there was better financial disclosure under the PPP500 process] but I think disclosure is just the bane of every lawyer's life, I think. I'm not sure the registrars have any additional tools in their arsenal in the small property pool as opposed to what they have in the normal one. So I don't think it's made any radical difference one way or the other. People still drag their feet and gin around for months getting everything together. (P13, Lawyer, Male, State 2)*

Parties who had technology access or literacy issues and those that were self-represented or without physical access to their financial documents (including due to family violence) were also nominated as experiencing difficulties with financial disclosure:

*... you're largely reliant on the parties actually doing it. And in this particular instance the self-represented party who doesn't really know how to fill out the forms, and I recall that that created some difficulty, because I guess where things were listed on the form weren't necessarily correct and best I can recall, the other party was also listing values at the date of separation rather than as at today's date, or the day that it was. (P12, Lawyer, Female, State 4)*

*[The Financial Summary form] goes into a lot more depth in terms of, you know, what assets did you have, what were your contributions, what was this, what was that, which is all useful information, ... some clients might – were able to do that but it seems to me like it's a document that, that we would need to have some input in, in terms of assisting them to complete. (P25, Lawyer, Female, State 3)*

*... because usually once you've got another lawyer on board, disclosure is much easier. (P05, Lawyer, Female, State 3)*

*For self-represented litigants, a lot of the disclosure requirements are written in the rules, which they're not familiar with or they're trying to read what they need to do from websites, which can be a little bit confusing for them, whereas the chambers order is really quite targeted and specifically tells them what they need to do, so that obviously helps them with that disclosure process. (P24, Registrar, Female, State 4)*

*Oh look, there's certainly those clients who've been really struggling with the technology. Or having the technology because it requires a certain level of sophistication with technically, technical devices. Then it requires often having more than one device in a household where you may well be in the position whereby you've got, you know, kids using the laptop or the iPad or something during the day and you can only get your stuff done at night. All sorts of internet connectivity and omission issues. All of those sort of things have got to have impacted them and I had one client in particular who didn't – didn't even have the internet to her mobile phone ... It just made it that much more difficult and more costly for her because everything had to be done on the telephone instead of sending her an email and saying this, this and this. (P27, Lawyer, Female, State 1)*

*What sometimes does happen with the scheme is that you're getting more self-reps, which always cause problems with disclosure anyway. (P21, Lawyer, Female, State 3)*

*Sometimes a person has left the former family home and so – and all the – you know like if they have left in a hurry, then they may not have access, they may have left everything behind and the other party has access to all the required documentation. So all of those are issues that have to be sorted through and the aim is to try and get that sorted at the beginning of the process so that people have proper disclosure prior to a conciliation conference. (P29, Registrar, Female, State 3)*

Overall, non-disclosure was identified as a significant inhibiting factor, with recourse to a judicial officer identified by some professionals as the key to compliance. For example:

*That's one of the main lynchpins of any property settlement is financial disclosure and the case can only be run on how good the disclosure has been. And if people – litigants in particular, want to be difficult about disclosure, well it makes the whole case difficult. I have found with the matters – PPP500 matters I have had to send to the PPP500 judge because I couldn't deal with it beyond what I could, it had to do with lack of disclosure or not response to the application itself. (P18, Registrar, Female, State 3)*

This registrar reflected on the potential to support better financial disclosure with increased delegations to registrars, which in this registrar's view would support a streamlined operation of the PPP500 Pilot:

*... in an ideal world, registrars would have increased delegation to make orders about the lack of disclosure or ... if there was no response from the respondents. The registrar would have the delegation to be able to deal with it from that point rather than send it to a PPP500 judge. Because often what happens is it will go to the judge and then the respondent pops out – up out of the woodwork and then it circles back and comes back to the registrar anyway in a conciliation conference. But if the registrar has increased delegations for PPP500 matters, well, it would almost make the judge's job obsolete with the PPP500 pilot other than those few cases – and I would have to say there's probably only a handful that would have to go to a trial ... They would just be matters where the parties were unwilling to negotiate. (P18, Registrar, Female, State 3)*

This registrar went on to observe that judges 'will make orders that we're more than capable of making as registrars' and that this would 'save the parties more time and money'.

Alternatively, a lawyer reflected on how registrars followed processes to support financial disclosure, but that this could fall away when the matter progressed to the judge-led limb:

*A judge, they look at holistically what are the issues and they just generally set the matter for a trial and the issues of disclosure tend to fall away and are dealt with on the trial day. (P14, Lawyer, Female, State 2)*

The following lawyer on the one hand lauded the operation of the registrar-led limb of the PPP500 for requiring parties and their lawyers to 'get off their backsides and [to] do a lot to get their documents together', to disclose to the other party and to request and review their financial documents and to identify and value property before the first court date. On the other hand, this lawyer also acknowledged the benefit of the passage of time between filing the initiating application and the first return date:

*Sometimes the time pressure puts emotional pressure on parties who are already upset over you know, emotionally vulnerable I'd say because of the separation and sometimes the three-month gap can actually benefit those parties in coming to terms with the fact that they have separated and they need to deal with the finances but, you know, at the end of the day they will benefit emotionally from a quicker resolution of the matter. So, I mean, the disclosure process is onerous no matter whether you're judge led or in the PPP. It's just there's more pressure on practitioners and parties to provide disclosure much earlier in the PPP list. (P07, Lawyer, Female, State 2)*

Another professional reflected that disclosure was not an issue in her view in PPP500 matters with the more significant issue for these families being the lack of assets to divide between the parties:

*But generally, if it's PPP500, there isn't as much to disclose in terms of the, you know, what people have ... generally in a PPP500 is a house and super and sometimes they don't even have a house. It might be some vehicles and then sometimes it might be just liabilities and that – you know I think sometimes it's more difficult to resolve matters that are in the PPP500 because, you know when there's very little to divide, often like very dollar is really important to everybody when it's easier to do percentage to people when you've got a larger pool than a smaller pool. So – yeah so disclosure generally you know, sometimes people – yeah my experience has been that generally people will comply with the requirements for disclosure. (P29, Registrar, Female, State 3)*

## Fairness of PPP500 Pilot outcomes

Parties and professionals participating in the qualitative interviews were asked for their views on whether the PPP500 Pilot facilitates fair outcomes for parties with small property pools. Depending on whether they answered this question in the affirmative, participants were also asked to consider the factors facilitating fair outcomes and the changes that could be made to improve the fairness of outcomes.

### Views of parties

There were mixed views among the parties participating in the qualitative interviews about whether the outcomes in their PPP500 matters were fair.

One party described the outcome in his case to be fair because:

*Well, I ended up getting the money to pay the cards off. And she [the other party] ended up getting like a little bit of money as well. And, you know, yeah, I – I think it was fair. (M14, 40–49 years, State 2)*

Some parties were positive about having an option to access a legal process through the PPP500 Pilot, but were hesitant to describe the outcomes in their matters as fair, particularly in the context of power dynamics:

*So even though, I did feel if we hadn't gone through the court system, then I wouldn't have been giving him a cash payout, and I wouldn't have been giving him my superannuation, but I guess that's the price that I pay by trying to take control and to sort this out, rather than just being at the mercy of him and his inability to pay the mortgage ... Well, it wasn't his inability, because he had a wage and could easily pay the mortgage. He just was choosing not to pay it. (F11, 40–49 years, State 1)*

Interestingly for this participant, while the outcome of the PPP500 process presented challenges, engaging in the process was described as empowering for her, in the context of having experienced violent and controlling behaviour during her relationship:

*I did find as hard as it was, representing myself, the experience of court, every time, was very empowering. And every appearance that I had in court; I was on a high afterwards. (F11, 40–49 years, State 1)*

The role played by the registrar in case managing the proceedings and responding in real time to the parties' issues supported the achievement of satisfactory outcomes. For example:

*So one of the things that happened that was very helpful, when I went into court, was that there was a bit of a discussion, and then she would give us time to go out of court and to do things, and then we would come back into court. And that was really helpful, because, for example, ... [former partner] is living in a house in [State] that has both of our names on it ... So, his lawyer had stated in court that he was paying the mortgage for the house in [State]. I knew that not to be true. But between the first appearance in court and the next appearance, I was lucky enough to call a contact at the bank to confirm that he was not paying the mortgage. So, when we went back into court, I think it was only maybe half an hour later, I was able to say I've just spoken to the bank, and it is not true; he is not paying the mortgage. And that is financially disadvantaging me, because the debt is getting higher and higher ... And because of that, the registrar ordered that he start paying the mortgage on that house. And that made such a difference to my mental health and my wellbeing, knowing that that mortgage was going to, you know, have to be – have to be paid. (F11, 40–49 years, State 1)*

The registrars' approach in demonstrating empathy was also a significant factor identified by this party when describing her satisfaction with the outcome of the PPP500 process:

*... the registrar at the end, before asking for our final comments, talked about – and I can't really remember what she said, but certainly I remember the feeling behind it, and she showed great empathy ... but she just showed such beautiful empathy for how difficult the process is, and said that, you know, it was really great that we had come to an agreement outside of court. (F11, 40–49 years, State 1)*

When considering the question of fairness, parties reflected on the fairness of the process. For the following party, the PPP500 process that culminated in the conference at which the parties were able to reach an outcome by agreement with the assistance of the registrar was described as fair overall. It was the process rather than the outcome that was the focus of her reflection:

*Well, I guess it's fair that both parties get to speak ... I guess overall I definitely thought it was fair. When I first went into court, I really had no idea what to expect. And when I had mentioned that he had not in fact been paying the mortgage payments, and then the registrar ordered that he pay the – make the payments, I mean I just was blown away by that, because that had never been any part of a conversation that I'd had with Legal Aid, that that was even a possibility. (FI1, 40–49 years, State 1)*

For this interviewee, reaching closure was the driving factor for her so she accepted a less fair outcome to end the matter, particularly given the impact of ongoing concerns for her wellbeing and safety:

*No, I don't feel that they [the final orders] were fair. I don't think they were fair in terms of actual contributions. But, you know, life's not fair, and the law's not fair. So, I was willing to accept an outcome that I didn't see as ultimately fair, to have it over with, because the stress of the situation – yeah, my mental health was more important. (FI1, 40–49 years, State 1)*

Another party did not consider the outcome in his case to be fair, although he noted that it was consistent with legal advice he had previously received. This interviewee described his experience of the registrar in his case in negative terms:

*The way that – the way the registrar said to me that I was getting a fair deal was because of my employment status I was in a greater capacity to earn money. And I said, Well, not really, I said, because the more money I earn, I said, the more you take from me in child support. I said, I'd love more time with my children, I said, I can see that would save me money in child support, I said, but that's obviously why [ex-partner's] refusing to give me more time with my children because the less time I get, the more money she gets, and the registrar said, Well, if that's your motivation to have time with your children, I'm sorry, like I said, I missed it at first but I brought it up a bit later on. [The registrar] didn't seem very sympathetic to what [they had] said, basically insinuating that the only reason I want to see my children is to save money on child support. It was pretty sexist to be honest, you know. I don't get easily offended but that sort of rubbed me up the wrong way. [The lawyer he saw prior to PPP500] said it wouldn't be an even split. [The lawyer] said it would be like a 60:40 split so I mean, I wasn't expecting anything more than that but yeah, more just the way – more just the way I was treated through the process. (MI3, 30–39 years, State 2)*

## Views of professionals

### PPP500 Pilot facilitates fair outcomes

Almost half of the professionals participating in the qualitative interviews indicated that the PPP500 Pilot facilitated fair outcomes, citing the requirement for registrars and judges making orders for property settlement to be satisfied that the orders were just and equitable (FLA s 79(2)). For example, when asked if the pilot facilitates fair outcomes for parties, the following lawyers responded:

*Yes, I do, because all the settlements are scrutinised and there still has to be – there's still questions about why it's just and equitable considering the Family Law Act. So, it's not just a case of we stamp it and that's it. (P14, Lawyer, Female, State 2)*

*I think the registrars are very well aware of their jurisdiction in terms of them only being able to make orders that are fair, just and equitable ... And I think registrars have done a really good job of that. (PO5, Lawyer, Female, State 3)*

Another lawyer indicated that they considered the pilot to facilitate fair outcomes through the impact of the expedited process of the PPP500 that saved parties' significant financial cost:

*I think because it [the pilot] does provide an opportunity for litigants to be unrepresented but I think it also – because it's got that, quick-in, quick-out type mentality of saying right let's just limit the amount of documentation and, and whatever that we need to have before the courts – it's allowed then to have a much more efficient outcome I suppose and at the end of the day getting a result quickly is what's going to save clients – the most amount of money. (P25, Lawyer, Female, State 3)*

In reflecting on the question of whether the pilot facilitated fair outcomes, one registrar spoke to their 'duty', which required them to 'take a lead' in conciliation conferences and reality test clients to address power imbalances:

*It goes back to our duty. We're not just – with case managers so they get information that's necessary for the parties to mediation; with conferences so that we take a lead rather than just sit back and, okay this is what you want and you're gonna do it this way. The model of the conference allows the parties certainly to make their decisions and come to reach an agreement. This is at the same time as that, other party feels that someone is doing it, reality tests their case and not just allow perhaps, a stronger party to win over, to gain another advantage, to balance an impower – balance it as well. Which may not necessarily happen from a peer-facilitative mediation model. (P30, Registrar, Female, State 4)*

Another registrar agreed that the pilot facilitated fair outcomes for parties but in this participant's view, this was largely due to requirements around early financial disclosure, suggesting that this led to outcomes based 'on the best evidence' possible, whether matters resolved at the registrar-led limb or not:

*... it comes to making sure that all the relevant material and disclosure has been made. By starting it off early, it's very clear what needs to be provided and then they're satisfied that, once provided, all the materials for the court, so decisions being made are being made on the best evidence and the most fulsome evidence available. So being satisfied that outcomes being reached, whether by agreement or ultimately by judicial decision, was based on, you know, a just and equitable having regard to fulsome disclosure of material. (P24, Registrar, Female, State 4)*

Other participating professionals focused on the fact that the existence of the PPP500 Pilot, in itself, facilitated fair outcomes for those parties who previously would not have been able to access the legal process:

*I think that this [PP500 Pilot] really does help people have access to justice. It's wonderful that our client base are being considered ... And it's not like they want their day in court and they want to – you know, they're fighting for the sake of fighting; they're there because they don't have a choice. (P05, Lawyer, Female, State 3)*

This participant emphasised how valuable the process is for parties with minimal assets, given that their complex circumstances often require them to use the court system to access justice, with the PPP500 enabling this access. Echoing this sentiment, when reflecting on the fairness of outcomes, a registrar explained that the pilot facilitated fair outcomes because it gave parties 'access to a process' that was cost-effective:

*I think so because it gives them access to a process – it's not necessarily as expensive as the going to court – as it would be in the past with the modified documents and – it's – it gives them access to you know – the judge or the court being an umpire rather than that – what can be bullying if – particularly if one party's lawyer is enabling that bullying; is that style of practitioner. (P22, Registrar, Female, State 1)*

## PPP500 is 'as fair as it can be'

Some professionals participating in the interviews were hesitant or expressed ambivalence about whether outcomes could be described as fair or preferred to describe outcomes as within the range of outcomes that may be ordered by the court. For example, some professionals indicated that they were more likely to be fair in cases where parties had adequate representation. In the following example, a lawyer explained that while fair outcomes were achieved in the PPP500 Pilot because the pilot facilitated parties' access to a dispute resolution process, which they may not have previously had access to, parties still required legal representation to ensure outcomes were fair:

*... I think with good representation in the current format, we get fair outcomes ... people would've previously walked away and now they don't need to, in that regard it does bring about fair outcomes. So, it's because of the cost-effectiveness of initiating documents that, and so that gives people more access to it, that's why you're getting fairer outcomes. Because they're able to access the justice. But it doesn't, there's nothing in and of itself as a program that would give somebody a fairer outcome than if they were well-represented in the mainstream system. (P21, Lawyer, Female, State 3)*

Notably, this legal professional suggested that there was nothing particular or unique about the PPP500 Pilot that facilitated fairer outcomes, identifying the key to fair outcomes to be legal representation. Yet at the same time, this participant indicated that:

*... the inequality of bargaining power is corrected only by access to good legal representation, which cheaper documents gives you ... or a cheaper system, faster system gives you. (P21, Lawyer, Female, State 3)*

This example above captures the nuance and ambivalence of professionals' views around the fairness of outcomes of the PPP500 Pilot process, which is further illustrated in the following example, where another lawyer describes the pilot 'as fair as it can be' without parties always having access to legal representation:

*Well, it's [the pilot is] as fair as it can be. I guess it always depends on who's going to be disclosing. And I guess there's a lot of pressure on registrars to confidently know if something's fair on, on the face of it. I think representation would help to ensure fairness, but then again, paying for representation sometimes isn't fair ... So yeah, to the degree that the parties are open and frank, it's fair. (P31, Lawyer, Female, State 3)*

As was the case for other participants, this lawyer grappled with the notion of fairness in small property pool cases where securing representation is sometimes too prohibitive due to cost. Reflecting these nuanced views on the fairness of PPP500 Pilot outcomes, a different participant indicated that while the pilot process did not result in fairer outcomes, parties nevertheless benefited from the program financially:

*I don't think it [the pilot] - it's any less fair than the - the usual process. I don't think it is necessarily more, fair ... I'd say it's the same ... But I think that it assists the parties in conserving their - their costs that they incur to arrive at that outcome. I don't think it's any way a worse outcome. (P26, Lawyer, Male, State 4)*

In reflecting on this question of fairness, some professionals maintained an ambivalence as they spoke about the extent to which parties felt pilot outcomes were fair for them, while indicating that the pilot process is still 'as fair as it can be', as stated by the following participant when asked if they felt the pilot facilitated fair outcomes for parties:

*I do. It's difficult because the smaller the pool is the more people tend to fight or the harder they'll fight. If you've got people who have million dollars no matter what the outcome, everyone's going to be doing okay at the end of the day... The unfortunate reality is there's usually just not enough to go round to keep everyone happy. It's just - you know, the pie is only so big, and the more people fight the smaller that pie gets ... So it's - I think in the circumstances of having regard to the size of their property pool I think it's about as fair as it can be because frankly yeah, there's not enough to go round to keep everyone happy. (P13, Lawyer, Male, State 2)*

The limited resources available for parties in small pool property matters presented challenges for parties' satisfaction with their outcomes. When prompted to consider if there was anything that could be improved within the pilot to improve the fairness of outcomes, the lawyer responded:

*Short of giving these people more money I don't think so. We're kind of stuck with the reality of what comes across our desk, sometimes that reality means that, you know, everyone walks away unhappy ... I will often say to people when I'm conducting a mediation, I will say to both of them, if you both walk away from here feeling like you haven't got what you wanted then that's about the right result. (P13, Lawyer, Male, State 2)*

## PPP500 facilitates commercial outcomes

The affordability of the PPP500 legal process was also reflected in professional observations that while their clients may not consider the outcomes in their matters to be just and equitable, the PPP500 was nevertheless enabling them to achieve commercial outcomes. For these professionals, an outcome was considered commercial when the costs of litigation (in relation to the financial, psychological, and emotional costs and expenditure of time) did not outweigh the overall benefits of the outcome achieved. To illustrate this view, some professionals compared PPP500 Pilot outcomes to the potential alternatives for parties were the pilot not available to them, as demonstrated by the following example:

*... in terms of concept of fairness [the pilot is] probably not too bad considering the costs of judicial intervention ... So even though the outcomes may not have been, particularly fair, from an overall cost benefit analysis the money spent, progressing through to the next step or an interim hearing would have wiped out the difference ... And we actually did that sort of cost benefit analysis to say, 'Look, it's not fair. But if you progress to an interim hearing, you're looking at between five and 10,000 dollars anyway' ... So let's take 10,000 off ... And, yeah, so it's - it does kind of force an outcome ... But I know - I don't know if that's actually fair. (P04, Lawyer, Female, State 2)*

While some professionals reflected positively on the satisfaction of their clients with the outcomes in their matters, when this participant reflected on whether parties considered the PPP500 Pilot outcomes to be fair she remarked:

*Oh, they're [clients are] never happy ... But they never will be, because it's family law ... Yeah, and that's why we tell them up front ... You know, if at all possible, you need to reach an agreement, even though that's not what you're entitled to ... the costs of enforcing your rights are so prohibitive that it's not worth it. (P04, Lawyer, Female, State 2)*

This lawyer recounted how she would explain and weigh the costs and benefits of participating in the pilot with her clients, advising them that engaging in an interim hearing would be too costly given their limited financial resources. Reflecting this notion of *commercial* outcomes rather than *fair* outcomes as a result of the pilot processes, another lawyer suggested that the 'fairest' outcome and the 'best' outcome are two different things:

*I think it's always tricky to find out which process will give me the fairest, the best outcome that I can get because each option has different costs as well. So, for example, you might say I'm going to get the best outcome. The fairest outcome I can get if I go in front of a judge, and I do a trial. But the cost to that with the legal fees or with the amount of time that goes on and the amount of time that you might be paying for a mortgage that could be settled or it could be a number of different things, that cost might be higher than the benefit that you get from going all the way through hearing in the mainstream. So, I think it's hard to say but I like the PPP500 because it is – it takes away those costs and those kind of risks of things going on for a very long time and having to waste a lot of money while still getting a fair result because you are in front of the court. You're not just negotiating over the kitchen table, and you are, you know, following rules and you are following legislation, which you are doing in mediation anyway but there's just more focus and structure and authority in this avenue. So, I think it is a fairly good avenue for getting a fair outcome. (P02, Lawyer, Female, State 2)*

This lawyer made a key distinction between the 'fairest' outcome, which would involve progressing to a final judicial hearing, and the 'best' outcome in the circumstances, which for many clients accessing the PPP500 Pilot was an outcome where they could retain a larger proportion of their limited funds while still having access to a dispute resolution process. Another lawyer echoed this view by underscoring the prohibitive costs of protracted litigation for parties with limited financial resources, which in his view meant that the PPP500 Pilot was able to deliver commercial outcomes that were reasonable, rather than 'fair' outcomes:

*I would say it [the pilot] facilitates commercial outcomes for parties with small property pools and the reason I won't say fair or unjust is because if you've got a small property pool every dollar counts and you need to seriously consider that a commercial reality of resolving the matter. That's not to say that if I'm dealing with a matter in the list, I'd provide them with advice as to their likely range of entitlements. But it is also, the resultant emphasis on the need – on their need to resolve it, having regard to the likely legal costs of ongoing litigation. So, I think when you factor in proceeding costs that parties inherently make by pursuing an application through a – through one of the pilot programs, I think that's where it gets up over the mainstream process. (P03, Lawyer, Male, State 2)*

Consistent with this view, a registrar highlighted that the PPP500 Pilot was successful in achieving commercial outcomes for parties with limited financial resources to spend on ongoing litigation. When asked if there were any features of the pilot that might inhibit the achievement of just and equitable outcomes in the PPP500 Pilot, this registrar reflected:

*Sometimes I think it's just the commercial reality. You know, it's just not worth going to trial over. If they're arguing over, you know, say you know, it's 100,000 dollars and it's going to cost 20,000 dollars each, I think sometimes there are parties that say look I'd rather accept to be decent and get this out of the system. So yeah, I think there is that aspect of that too. (P29, Registrar, Female, State 3)*

This registrar also considered the subjectivity of an assessment of what is 'fair' and how parties may view fairness in different ways:

*I don't know, there are times when – I think so but, you know, in essence that's [fairness is] such a subjective thing ... I don't know if parties would think that you know it's fair ... I'll say that to parties sometimes in the conciliation conference. I'll say look you know, it's a matter of – you know, if she can resolve it between you then you have input. We better refer it to a judge, the judge will determine it and, you know, it may not be fair to you; however, it's sometimes commercial decisions. So, look, I'd like to think that it is but I don't know that it always is a fair outcome for everybody. (P29, Registrar, Female, State 3)*

Similarly, a lawyer explained that while fairness can be a difficult outcome to define for different people, when considering the 'bigger picture', clients do benefit from avoiding the stress and high legal costs associated with lengthy litigation:

*Fair. That's very loaded ... I mean, yes. When I step back and look at it bigger picture, it's fair because of - because I know all of the heartache that they saved by not being involved in the process for a very, very long time. (P16, Lawyer, Female, State 2)*

Another registrar described the challenge of defining 'fairness' in relation to PPP500 Pilot outcomes, while highlighting the benefit of the pilot for disadvantaged parties, in particular, comparing PPP500 Pilot outcomes to outcomes using the potential alternatives available to this client base:

*Fairness is very difficult to measure in outcomes in any property case. My view is the PPP500 program facilitates - it's difficult to say whether they would be more fair or less fair. My view is that that there are better outcomes I think for financial disadvantaged parties - that is as between spouses, because of the supervision of the court, that would be better than if the parties had worked it out themselves. And again, I go back to my earlier answer where I suspect in circumstances of very small property pools, some parties might have just walked away. And so, in those circumstances, getting an outcome with a portion of the property pool that is commercially sufficient and within the potential range is much better than no outcome. (P19, Registrar, Male, State 2)*

## Sustainability of PPP500 Pilot outcomes

Parties and professionals participating in interviews were asked for their views on whether the PPP500 Pilot enabled sustained resolutions in terms of enforceable final orders. Depending on whether they answered this question in the affirmative, participants were also asked to consider the factors facilitating sustained resolutions and the changes that could be made to improve the sustainability and enforceability of these resolutions.

### Views of parties

While the PPP500 Pilot enabled a sustained resolution in the form of an enforceable order, two parties described their concerns at the lack of finality where their former partners had, as at the time of the interviews, failed to comply with the orders:

*So, we're finished in court, but it's not over, because my name is still on the house. And so, for me, this situation is not over until my name is off that house, which then means that he [other party] is completely out of my life. But as part of the consent orders, there's a whole process for that to come. So, while we've finished in court, it's not over in terms of the financial situation or the emotional situation ... And I guess - there's also the possibility that it could go back to court if - depending on what happens with the house. But, you know, I'm hopeful. (F11, 40-49 years, State 1)*

For another interviewee, while her former partner had not complied with the timing requirements in the final orders obtained in the PPP500 process regarding the refinancing of the mortgage and the return of her personal property and belongings, the prospect of taking further legal action was difficult as she had no access to legal advice and was 'emotionally drained' (F12, 50-59 years, State 2).

For both of the male parties interviewed, while they reflected positively on the fact that they had resolved their property and financial matters through the PPP500 Pilot, they described unresolved issues with their former partners in relation to parenting. For example:

*Yeah, that's an ongoing battle but my ex-wife won't speak to me, won't discuss anything with me so it's - I'm at a loss now, that's a whole other story. (M13, 30-39 years, State 2)*

### Views of professionals

The vast majority of professionals participating in interviews considered the PPP500 Pilot to result in sustainable outcomes for parties as they involved the making of enforceable final orders because the PPP500 facilitated financial disclosure and the registrars supported the parties to resolve their matters by agreement, with these factors identified as reducing the likelihood that parties would need to return to court to issue enforcement proceedings. However, a smaller number of participants observed that while the PPP500 Pilot facilitates sustainable outcomes for parties, these outcomes are no more sustainable than those that can be achieved using other litigation pathways.

## Balancing self-direction of parties and registrar support

Approximately one-quarter of participants suggested that the pilot facilitated sustainable outcomes for parties due to the pilot's focus on self-direction and autonomy, as well as registrar support and input. While some participants emphasised the importance of either self-direction or registrar support, most highlighted the importance of both at the same time. For example, the following participant suggested that parties are more likely to adhere to orders that they have agreed to themselves during their conciliation conference:

*I've certainly not experienced or heard of anyone trying to go back and have another bite of the cherry down the track, I think particularly if it's [orders are] finalised by an agreement. I think those that are finalised by agreement people are more prepared to live and accept the outcome than someone who has it imposed on them by a court and who's all bent out of shape about it, which again is why I push to try and keep things out of court 'cause if it's something they've agreed to they're more likely to stick to it. So that's been my experience anyway and from a practical perspective, if it's a small property pool most of them don't have the funds to run off and try and do appeals or 79As or any of that sort of stuff to try and overturn or vary orders that have already been made. (P13, Lawyer, Male, State 2)*

However, this lawyer also drew attention to the constraints on parties in small pool property matters in shaping sustainable outcomes as parties with limited financial resources are less likely to return to court to issue enforcement proceedings due to the prohibitive costs associated with doing so. Taking a similar view was a judge who emphasised the importance of the conciliation conference and of the 'empowerment of knowledge' that came from being engaged in a conference and having the autonomy to negotiate before proceeding to judicial determination:

*I guess that the number one factor is that empowerment of knowledge that comes from being before the registrar in that space initially. It allows people to own the result, even if that result is given by a judge, because they understand what's gonna happen, they understand the process. They understand, I guess, why a judge might make that, and provided that the reasons are on board with what they thought the case was going to be looking like, that's what makes it sustainable, yeah. They get that extra knowledge, I guess. (P23, Judicial Officer, State 2)*

As anticipated in the discussion based on administrative data earlier in this report, this judge explained that even when parties require judicial intervention to achieve final orders, they are in a more informed position, having progressed from a conciliation conference and having a registrar guiding them through the process. This made parties more likely to understand and accept final orders whether they were achieved at the registrar-led or judge-led limb.

This theme of empowerment also resonated with a registrar, who explained that while it is a registrar's duty to ensure that the orders are appropriate and that parties are comfortable with them, in her experience, a key factor is that parties are empowered by having had the opportunity to 'feel heard' by the registrar. This enables them to then move forward and accept resolution:

*Certainly, during that conciliation process, it's, I mean every order that's ratified by the court is assessed by a registrar to make sure that it's compliant. But I hope that they comply because, or sorry, that even though they've got a final order, that there is compliance with the orders and satisfaction with the orders, because if they feel that perhaps that they've had the opportunity to have their matter heard by us. I certainly think that that personally for me that's a really important thing for all litigants in the court that they feel that I've listened to them, and I think, that they're more likely to comply with orders, even if they're not necessarily what they want, if they feel that, they've been able to fully ventilate what they want to say. (P20, Registrar, Female, State 2)*

This registrar then elaborated on her approach in conciliation conferences to support parties, while acknowledging, as observed earlier in this section in relation to the fairness of outcomes, that given the nature of small pool property matters, parties are not always 'happy' with the outcome as the resources to divide between the parties are limited:

*And then I can talk to them [parties] about that and what's relevant and what's not, that they feel that they've had their day, if you like. And then I think they're more likely to comply and feel happy with the outcome. But no-ones ever happy, this is family law unfortunately ... no-one walks away, particularly in PPP500, feeling - feeling secure and satisfied ... and when you divide it up it's, you know, there's usually never enough to make everyone feel content. (P20, Registrar, Female, State 2)*

Another legal professional emphasised the importance of ‘self-direction’ or self-determination on the part of the parties in the conciliation conference in achieving sustainable outcomes within the pilot, despite not always being completely ‘satisfied’ with the result. When asked to reflect on the extent to which the PPP500 Pilot facilitates sustainable outcomes, the lawyer explained that she felt outcomes were sustainable because:

*... there’s the degree of self-direction coming from the client, their participation. Rather – in negotiating when – and they can be satisfied that they participated, that they were heard, even if they got a bit less than they might have liked ... So, for it [the order] to not work, then they have to go back and change their mind, whereas if a judge made the decision they didn’t like, they could’ve – they could not agree at all.*  
(P31, Lawyer, Female, State 3)

## Early financial disclosure facilitates sustainable PPP500 Pilot outcomes

A small group of professionals reflected on the impact of the PPP500 case management approach, with registrars ensuring financial disclosure at the earliest possible time, as facilitating sustainable outcomes for parties. For example, the following participant highlighted the importance of the involvement of the registrar in ensuring that parties go into the conciliation conference with a ‘shared understanding’ of what the asset pool is:

*Okay, so you have to have your documents in order and an agreed matrimonial asset pool ... Like if they [the parties] haven’t been able to agree before the day of the conciliation it’s probably not going to happen on the day ... And I think that’s why having the intensive registrar involvement really helps because it sort of forces people to do that ahead of time ... It’s really good because we can say, ‘Oh see, the registrar is asking for it, it’s not just us’.* (P04, Lawyer, Female, State 2)

The registrar’s close involvement was important for a different lawyer who also explained that the pilot provided a ‘clear pathway’ for parties to ensure that their matter was prioritised, an aspect that helped to facilitate sustainable outcomes:

*I mean we were always able to get enforceable final orders. I think what the pilot’s enabling is a clear pathway or structure to that – so that matters don’t just get sort of kicked around in the system ... it’s very clear that you’ve got to have the material done and be ready to go through conciliation otherwise there’s writs of costs or, you know, it’s not allowing people to have excuses for not progressing matters.*  
(P28, Lawyer, Female, State 1)

## Role of registrars in supporting the achievement of sustainable and final outcomes in PPP500 matters

Another small group of professionals emphasised the role of the registrar in facilitating sustainable and final outcomes by stressing that the orders made are intended to resolve the property and financial arrangements between the parties on a final basis. One participant indicated that judicial registrars only make orders where they are satisfied that the parties have reached a genuine agreement:

*We don’t approve the agreement until we’re satisfied that the parties are okay with it. So, if there’s a sense that someone – well if they’re either worn or over the pressure, we take the pressure off.* (P30, Registrar, Female, State 4)

Another participant reflected on the significance of the registrar and their presence in the process in ensuring that the agreement is followed up with final orders, ensuring the sustainability of resolutions made in the PPP500 process:

*... with the registrar-led [process], they actually ensure the orders are then made, so therefore you’ve got a final order out of it. So that’s really what you’re aiming to do so that agreements don’t fall apart ... we’re involved in settlement, yeah, we’ve never had any problem with the orders being amended or anything like that in the ones we’ve been involved in.* (P06, Lawyer, Female, State 4)

## Outcomes are sustainable but no more sustainable than those achieved in other court processes

A small number of professionals suggested that while the PPP500 Pilot process assisted parties in achieving sustainable resolutions, the final orders in these matters were no more sustainable than orders achieved by other processes. For example, the following two participants suggested that court orders are an ‘incentive’ for parties to comply, whether or not they were achieved within the PPP500 Pilot:

*I don't think it's necessarily the PPP500 of its own accord. I think just the fact that you're in court and orders are being made that need to be followed tends to give people a bit more incentive to follow them. (P12, Lawyer, Female, State 4)*

Mirroring these comments, another lawyer explained:

*Well, I don't see that the process is any less enforceable in either event. You've still got court orders and they're orders of the court in either event so I don't think that enforceability is an issue. (P07, Lawyer, Female, State 2)*

Another lawyer drew attention to the difficulties around non-compliance with orders, both within and outside of the PPP500 Pilot, calling for increased delegation to registrars so that they could manage and appropriately respond to non-compliance:

*I think the difficulty is always going to be when you have clients that – or clients or other parties that don't comply with the orders – that might have been achieved on a conciliated basis ... So if you've got people that failed to refinance or failed to attend to transfers, that's always going to be an issue ... it would be useful if the registrars had an ability to impose part-sanctions or oppose – or impose obligations in the event that there was failure to comply ... it's all very well to get an order but if, if the other party fails to comply and you're back in the courts having to argue for things to happen, that's where the real costs and efficiencies come up ... It [non-compliance] hasn't so much happened in the pilot but it's – I've got a couple of matters where I think it's about to. (P25, Lawyer, Female, State 3)*

Some professionals suggested that while the pilot facilitated sustained resolutions for parties, the importance of clear and well-written orders could not be underestimated, in the same way that clear and well-written orders were important to achieving sustainable outcomes using other litigation pathways. For example, one participant explained that enforceability largely 'comes down to the wording of the order' (P02, Lawyer, Female, State 2). Along these lines, another lawyer stated that 'a sustainable and enforceable resolution comes in the form of a well-drafted consent order or, or order' (P21, Lawyer, Female, State 3).

## Aspects of the PPP500 model that support effective delivery to vulnerable parties

A total of 26 of the 33 professional participants suggested that the registrar-led limb of the PPP500 Pilot operated effectively to support vulnerable and disadvantaged parties, including those affected by family violence and who have ongoing safety concerns. However, 16 of these professionals also drew attention to aspects of the registrar-led limb that they considered were less effective in supporting vulnerable parties.

A small number of participants also reflected on the effective features and the limitations of the judicial-led limb in supporting vulnerable parties.

### The importance of a registrar-led process in supporting vulnerable and disadvantaged parties with small property pools (registrar-led limb)

Some participants mentioned the central role of the registrar in relation to their 'hands-on' case management approach and their knowledge around family violence. For example, one judge commented on how registrars in the PPP500 Pilot are attuned to, and identify, unequal bargaining power in PPP500 matters and how these are managed in comparison to the limited time that judges would usually be able to spend with vulnerable and disadvantaged parties:

*The registrars were acutely aware of the difficulty and the bargaining power. And, in the mainstream [court process], what generally happens is those people come as self-represented people, and, as I say, one of a number, when we had the dockets, one of a large number on our mentions. I mean, it was not uncommon for us to be dealing with 25 to 40 matters a day ... And you couldn't, you couldn't give the people the time that they needed. That was the difficulty ... they [parties] get a lot more time [with the registrar], there was a lot more in-depth knowledge of the files, and, in effect, that inequity in the bargaining position for whatever reason was taken away by the registrar having complete control of the process. (P23, Judicial Officer, State 2)*

One registrar talked through the approach that registrars would generally take in their role in matters characterised by family violence or an inequality of bargaining power:

*Generally, whenever there is a family violence issue involved even in the property proceeding, that the registrar or judicial officer in charge of the matter is usually quite acutely aware of the presence of the violence ... You might find that if the matter is going to involve the conciliation conference stage, that the matter would benefit from a shuttle style mediation rather than an open mediation and you might note that or the registrar who is going to undertake the conciliation conference or mediation, that those are the kinds of actions you take. And of course the registrar that had the parties appear before them, takes on a different, I'd say a more compassionate role with both parties, both the alleged perpetrator and victim if they're both unrepresented or represented, in defence that you'll encourage them to consider resolving all matters that have been brought to the court rather than allowing the presence of that violence to tinge the way that they go through the court.*

*You might also find that the client who is the reported victim of the violence may be incredibly distressed, stressed out, at the court date ... And how we talk with them [vulnerable parties] is very different to how we might talk to lawyers where we're generally very frank, open, use very simple non-voyeuristic language, make statements that are unbiased and encouraging of mediation just so that you're not adding to the vitriol that might be there.*

*I think the fact that we get to spend more time on the cases means that we simply are able to consider them in different lights and with more attention than you would with other cases. Because of the fact that we're alerted to the presence of violence in a case, we might approach the outcome of the matter in a more careful way than we might where parties are not claiming that family violence was present. We might be very careful to accept an unrepresented person's consent to a deal that doesn't look just and equitable on its face. We would have more time to assess that and we would have more time to ensure that we believe it's just and equitable or find ways to ensure that it is just and equitable. (P32, Registrar, Male, State 4)*

Another professional commented on the importance of registrars who are trained in family violence matters and dynamics, highlighting the recent focus in the courts on training for registrars around domestic violence matters, despite this training not being specifically focused on PPP500 matters:

*Obviously to become a registrar, you need to have the skills and expertise in family law, which we really do know include the skill and expertise in family violence and those dynamics. But also, within the court, there's been a substantial effort over the last few years to strengthen training in that area. So, I think all registrars are attuned, not just in PPP500, but across the board, about all those risk factors and how the signs of that type of family violence or coercive control – and are very mindful of that, particularly in making consent orders.*

*It's – you know, they take their responsibility in exercising their delegated powers seriously, and that's not just a rubber stamp, or just to get a matter out of the list, that they're really mindful of needing to look at is this just and equitable – and certainly, you know, just in – my oversight has been where consent orders sent in have been requisitioned for explanation on how that outcome is just and equitable, and I think that's also where parties who are self-represented are urged to go and speak to duty solicitors. (P24, Registrar, Female, State 4)*

Further echoing the sentiments expressed by the earlier quoted judicial officer and registrar (P32), this registrar (P24) underscored how crucial the extra time that registrars can spend on their matters and with parties is to facilitating just and equitable outcomes for vulnerable and disadvantaged parties with small property pools:

*I think, again, this comes down to the registrars having more significant time to deal with these matters, and becoming familiar with the material and what's before them so that they can pick out the signs of possible risks ... they've also, you know, read the material, they've reality tested parties' cases early on so they've probably already got a bit of an idea of what a likely outcome or the range would be, so they're alert to – if consent orders come in outside of that range, they're alert to that ... Look, I think it is just that extra case management and time. Part of that chambers order is providing additional information about safety concerns. I mean, as I said, you know, that being electronic kind of reduces some of that concern, that it is about providing information around family violence for support services, and I think that's something that's reiterated throughout all the kind of standard communications that are sent out through as part of the PPP500 Pilot. (P24, Registrar, Female, State 4)*

Some other professionals emphasised the registrar-led approach itself, rather than the individual approach of the registrar, as significant to supporting disadvantaged parties. For example, one lawyer commented on the 'authoritative' nature of the registrar-led limb of the process, and how that can sometimes help to take some pressure off 'fearful' parties:

*So, a lot of our clients feel quite fearful to approach the other party and try and reach a balance sheet themselves. But when it's before a registrar, I think both parties are being communicated to that this is what needs to happen, this is what you need to do, and you have this amount of time to do it, and then you're going to come to court, and then we're going to talk about where you go to next. So it takes it out of their hands a little bit, and puts it into a third person, which is the registrar, to really lead it, where it's going. But there's still that authority that they can bring as well... , I think there is a great focus on, in the initial phases, anyway, in following those rules of disclosure and encouragement to reach agreement on that balance sheet, and I think having – it's similar to mediation in a way, because you have that person encouraging people to reach a balance sheet, but it's more authoritative. So I think it puts less pressure on the parties to have to go away and do that themselves. (P02, Lawyer, Female, State 2)*

At the same time, a different professional spoke to the less intimidating nature of the registrar-led limb, comparing this to the process of judicial determination for vulnerable parties with small property pools:

*That it [the PPP500 Pilot] is registrar-led ... and I think that's far less daunting than being before a judge. There's the opportunity, as I said, to do a shuttle conference to – you know have separate rooms. If you're before a judge, then you're in sort of in court ... with or without a lawyer, that can be daunting...And also the fast turnaround, so when you file, you're registrar-led and you get in much earlier or quicker with the turnaround time before the registrar, so that also assists, particularly if there's some urgency for a domestic violence case in court ... the registrars are trained as well ... so they [registrars] will pick up if someone's unrepresented and there seems to be a power imbalance. (P06, Lawyer, Female, State 4)*

## The timely progression of matters within the registrar-led limb of the PPP500 Pilot

Picking up on the theme of a 'fast turnaround' were some other professionals, who explained how crucial time was in cases characterised by family and domestic violence. For example, a judge reflected on the importance of:

*the speed in which people can get in and get out ... Vulnerable people need a timely resolution because obviously the effects of delay on someone who is highly vulnerable can be drastic and long-term ... So being able to get them in and get them out really quickly has been the best attribute of this [PP500] system. (P23, Judicial Officer, State 2)*

Similarly, a registrar responded:

*It [the PPP500 Pilot] assists because it speeds things up so much. When people are caught in protracted legal proceedings then it only adds to that angst and that resentment that's already been there because of that violence that's previously occurred. (P33, Lawyer, Male, State 4)*

When asked if there were any features of the registrar-led limb of the PPP500 Pilot that supported the achievement of just and equitable outcomes in matters characterised by family violence or an inequality of bargaining power, one lawyer responded by explaining that while there might be an opportunity for parties to participate in a conciliation conference, the main benefit of the pilot for vulnerable parties was the speed at which matters progressed through the program:

*I just think that it's the time period that is the major benefit [of the PPP500 Pilot] ... we would have still been able to negotiate into a conference if it was the mainstream process but it [PPP500 Pilot] has just simplified it and cut down the time and just made it a lot easier for me to explain to [client] what was happening and because the property pool is quite modest I think it's just more appropriate for this type of a matter ... for anyone going to court having to go to a final hearing, to a trial, is very – it can be very intimidating, scary, having to be in a witness box, being cross-examined, you know, sitting in a trial with the other party if they have been a perpetrator of family violence it can be very daunting whereas I think that this process because it's a streamlined process I think it reduces the amount of anxiety that victims of family violence might feel because it's sort of like I can actually get this resolved at a conference and get my property settlement and that sort of assists with them moving on from family violence with that person, so not having to be around them and to have that matter proceed for such a long time, two years of your life, having to have that person in your life, if you can get it resolved within six months that really helps you to try and move forward with your own life. (P08, Lawyer, Female, State 1)*

## The streamlined filing process within the registrar-led limb of the PPP500 Pilot

Some professionals spoke to the benefits of the streamlined filing process for victims of family violence, namely in relation to not being required to file an affidavit. From their experience, these professionals considered affidavit material to be particularly challenging for vulnerable parties to engage with. For example, P08 (quoted above) continued her discussion around benefits of the PPP500 Pilot to vulnerable and disadvantaged parties:

*I think it can be really scary going to court and having lots of formal documents. Going through an affidavit and having to recount that family violence in an affidavit and then having to read the other person's affidavit, I think that can be very triggering for victims of family violence as well ... I think that they [parties] would appreciate not having to do that and not having to go through all of that trauma again. (P08, Lawyer, Female, State 1)*

When considering which features of the pilot support the needs of vulnerable parties, another lawyer also explained how beneficial not being required to file an affidavit can be for this client base:

*[Parties] don't have to file affidavits because part of what you're filing in affidavits is talking about that domestic violence ... so in those circumstances, because you're not having to do that and put that in paper, that helps both the victim and the perpetrator. Because one, the perpetrator doesn't feel like he's being attacked or she's being attacked and secondly, the victim doesn't have to put it down in writing and so they don't have to confront all those uncomfortable feelings that they've felt previously. (P33, Lawyer, Male, State 4)*

Considering the streamlined filing process from the perspective of one of her clients, a lawyer recalled how not being required to file an affidavit was a factor that put the client more at ease, but the lawyer acknowledged that the client was still very fearful of the other party during the process:

*I suppose the documents being more simplified meant that she didn't feel like [party] was on trial in that first part of the [PPP500] process, but it didn't take away the fear; [party] was very, very fearful. (P16, Lawyer, State 2)*

## Considering the impact of COVID-19 and remote conferencing within the registrar-led limb of the PP500 Pilot

When considering how the PPP500 Pilot has responded to the needs of vulnerable and disadvantaged parties, a total of 13 participants reflected on the benefits of participating in the pilot remotely, particularly for parties who had experiences of family violence. While acknowledging that remote conferencing was not an exclusive feature of the pilot, these professionals considered remote conferencing to be particularly pertinent for the vulnerable client base accessing the PPP500, suggesting that this client base would benefit from these arrangements most, as illustrated in the following example:

*The pandemic can I say has revolutionised family law and courts in general because prior to the pandemic we weren't this tech savvy. A majority of cases are run now through Microsoft Teams. They are far quicker, cheaper. There are some downsides to it but the positive sides to it of course are that matters are moved a lot more speedily through because of the nature of the technology we have ... That's [online conferencing is] across the board but I would say that the pilot would benefit from it because of course the people that we're dealing with usually in the pilot are not people that can afford to have protracted litigation. It has had the effect that it has saved parties considerable money from not having to have lawyers attend court physically. Not having ongoing long court dates and moving generally within a matter of months rather than years through the system. And that I think has been uniquely shown in the PPP500 pathway. (P32, Registrar, Male, State 4)*

Some other legal practitioners commented on the benefits of remote conferencing as a result of COVID-19 pandemic-related restrictions, explaining the various risks vulnerable parties often face when attending court in person:

*I think the biggest thing to come out of COVID in terms of this type of [PPP500] program is – and I hope it continues – is the ability to conduct the majority of these matters by telephone or Microsoft Teams because the savings to the client are phenomenal in that regard. It may not be as convenient for the court and they may have technical difficulties, you know, that I'm well aware of but for socio-economically disadvantaged and vulnerable clients who feel intimidated by a courtroom, intimidated by having to go in the lifts with their partner or ex-partner as the case may be or sit across the room, you know, on level 1*

*of the court building, you know, the benefits are significant for all of those people of telephone and even Microsoft Teams. They're not having to sit in the same room and that takes the emotional side out of it for the client. It reduces the emotion. It doesn't remove it altogether so we're able to deal with the client in an environment that's more familiar to them. (P07, Lawyer, Female, State 2)*

*My view is that a Teams environment is actually quite helpful in these [PPP500 Pilot] lists. I think it helps people with safety, we don't have to have concerns about people, self-represented litigants, people being abused in the court building ... I actually think for a lot of women they feel a lot safer, a lot – we get a lot – we had a lot of emails saying do I have to attend, is he going to be there, what do I do, even though we've already sent them, you know, brochures about accessing safety plans.*

*But it was very simple to write back and say it's going to be by Teams, and we can talk about you know, if you ensure that you use a[n] anonymised link when you join, there will be, you know, no issue ... we always get a couple of people [parties] getting abusive on the Teams link ... and they're given a warning at the start and they're given one warning by me and then they're muted. So we don't tolerate it, and I make it really clear that we don't tolerate abusive behaviour towards the court or certainly towards the other party. And in fact, but you know, they sometimes solicitors can be rude and a bit, what I consider abuse as well, so I don't know. I think the Teams is good from that perspective, from a safety perspective. (P20, Registrar, Female, State 2)*

## Aspects of the judicial-led limb that support the needs of vulnerable parties

A small number of legal practitioners reflected on the limitations of the registrar-led limb to support vulnerable parties, given that:

*... judges can make findings about family violence and give people a settlement reflective of that under the law ... So, yes, if they – if a party wants to have family violence taken into consideration, then a judge has the power to do that and certainly a judge would consider that. (P14, Lawyer, Female, State 2)*

Reflecting this view, a different lawyer expressed that the judge-led limb of the PPP500 Pilot facilitates the achievement of just and equitable outcomes for vulnerable parties, particularly in contexts where there has been systems abuse, with registrars having limited capacity to manage these dynamics:

*If they're [parties are] going all the way through to a trial at that point, I think it [PPP500 Pilot] does [supports achievement of just and equitable outcomes for vulnerable parties]. Most of the time in the matters I've had both parties have been represented but I have heard of matters where one person, if they've been the abuser, will use the process to try and continue to harass and just antagonise their ex-partner through the court process itself and using the process as a method to maintain some sort of perverse connection and irritate them and maintain a connection that way ... I've not had that myself but I have heard of it and I think in those situations I think the – well I'd hope the registrars would be able to put a stop to it fairly quickly and limit the communication but it's a tough one. (P13, Lawyer, Male, State 2)*

Some other participants noted the importance of the link between the registrar-led and judge-led limbs, in the sense that the former step prepares the parties, and indeed the judicial officers for judicial determination, in identifying risk issues and other vulnerabilities:

*Let me talk from my own personal perspective. Once the matter was identified as a PPP500, then that alerted me to the fact there's potentially a vulnerable party or parties. And whilst you're always alert to that possibility in your main docket, your main risks, you almost have to flesh them out yourself, either through questioning the parties or (indistinct) or, you know, reading through the material. These days, you've got a head start, and that really helped just, I guess, helped me in the way in which I would approach the parties ... Because, I guess, when comparing it to how you would approach a matter in the mainstream, at least you wouldn't have that sort of front of mind, necessarily. (P23, Judicial Officer, State 2)*

*I think, again, it just comes down to the ease of which these matters have been well prepared, issues identified by the registrars, and that then clear on the transfer to a judge that deals with PPP500. You know, we encourage registrars to make notations about matters, and I've seen, you know, a few discreet ways of saying that, you know, applicant consented for short-form expedited hearing but the respondent did not. You know, and it's just a few discreet to try and indicate that there are some certain risk factors in the matter, to kind of keep out those lines of communication. But, again, being mindful that they are court proceedings, each party is entitled to present their case. (P24, Registrar, Female, State 4)*

## Suggested adjustments to the PPP500 Pilot to support effective implementation and to meet the needs of vulnerable parties

Most professional participants pointed to at least one feature of the registrar-led limb of the PPP500 Pilot that was not effectively meeting the needs of (vulnerable) parties, with some making explicit suggestions for improvements to the process to support long-term implementation.

### Expanding the scope of the PPP500 Pilot

A small number of professionals suggested that increased funding and resources to support effective implementation of the pilot in the long term was required, including the need for the program to be expanded to other states and territories. For example, when asked if they considered that there was anything that could be improved within the pilot more broadly, one registrar responded:

*Yeah, it's rolling it [the PP500 Pilot] out to all the other states ... I think it's abominable that it's only been piloted in three states. I mean we've got states like [City 2] who are desperate – absolutely desperate for this sort of work ... You know, I cringe to think about the amount of matters that would be in [City 2] that would require this pilot. (P18, Registrar, Female, State 3)*

This registrar then elaborated, by speaking to the benefits that expanding the pilot to other registries would bring to the court and parties alike:

*But a state like [City 2] would have so many of these matters sitting there just absolute – they'd be bottlenecked ... Not being able to get anywhere through the system. Yet if the PPP500 program – I won't call it a pilot because if it becomes depilotised it would be nice to be a program ... If that [PPP500] was available it would make the hugest difference to these litigants and also to the court internally It would really free up a huge bottleneck in the [City 2] registry. I'm, obviously, not from that registry. I'm in the [City 1] registry but I have noted myself how much it frees up, you know, judge's dockets, et cetera, for that pilot to be in place. (P18, Registrar, Female, State 3)*

Notably, this registrar highlighted how expanding the pilot to other registries and locations would help to enhance the achievement of just and equitable outcomes for parties with small property pools:

*If there's no pilot in place for these [small property pool] cases, again, they will get – they will just run along course with big money matters. It makes no sense. Why should an asset pool that's worth a couple of million and an asset pool that's worth under 500,000 be treated the same way. That doesn't provide procedural fairness and justice and equity overall for litigants. What needs to be accorded with is that these matters where there is less funds and there's more a pool, it needs to be streamlined quicker ... Because (a) it doesn't need the same treatment that a big money matter needs. It just doesn't. And secondly, we need to be focused on how we can ensure that the litigants come through the court process not only, you know, saving as much time as possible but being cognizant of what they're going to be spending on legal fees. (P18, Registrar, Female, State 3)*

A different registrar suggested that if the pilot were expanded to all registries, there would be greater scope to address smaller 'technical' issues, such as the complication of parties being required to file 'the full gamut' of initiating documents before they are accepted into the PPP500 Pilot:

*I think ideally, if this was not a pilot and it was operating across all registries, we would be able to explore a technical solution to the application process. At the moment, parties who wanna use the financial summary form have a little bit of difficulty 'cause they either need to a few little workarounds to upload the financial summary multiple times 'cause our system requires you to file the application, the financial statement, the affidavit, the financial questionnaire, the genuine steps statement, it requires the full gamut before you can submit your application ... I think that's probably the gap in the process, from my point of view, is just, you know, having parties to alright the filing of the full gamut of documents or having to do workarounds or submit electronically, and if we had an electronic solution, we might have more parties identify as PPP500, as well. (P24, Registrar, Female, State 4)*

Along similar lines, some professionals recommended that increased funding and resources be allocated to the PPP500, particularly for the registrar-led limb of the pilot:

*I guess, you know, the only changes I'd come up with is put more resources into it, you know, more registrars doing them so that there's more opportunity to do them quicker ... Potentially some resourcing around cost-effective arbitration for these parties so then, you know, there's that other step that's available for them, rather than coming before a court and a judge ... arbitrations can be held quickly, efficiently ... it's just as binding as a court order. Potentially just some more resources into the system to give an opportunity to be even more timely would be of great benefit to them [parties]. (P23, Registrar, Female, State 2)*

*I think if they – if there's – something can be provided physically for mediation, for example, in the PPP500 I think that would be really, really helpful, just to even – just to – and advice and actual mediation ... we gotta increase funding in conferencing. I think the resources allocated registrar in terms of the case management, that, could it be increased, because I think – the list that my colleague is doing now and it's just so big. (P30, Registrar, Female, State 4)*

Furthermore, some professionals suggested that the eligibility criteria for participation in the pilot should be expanded in relation to expanding the definition of a small property pool and excluding superannuation amounts when applying the definition of a small property pool as detailed further in Section 8 of this report. For example, one lawyer stated: 'I think a lot of people aren't captured [in the PPP500 Pilot] because of super[annuation].' (P14, Lawyer, Female, State 2). Other professionals also expressed their concerns that other characteristics of matters were not being captured in the PPP500 Pilot, and that the eligibility criteria should be more flexible.

A small number of professionals suggested that being exclusively property focused disadvantaged victims of family and domestic violence. For example, the legal practitioners quoted below considered that the pilot was limited in its ability to facilitate just and equitable outcomes, particularly for vulnerable parties with small property pools for this reason:

*And the reason it [the PPP500 Pilot] doesn't [achieve just and equitable outcomes to a greater extent than the mainstream court process] is because of this exclusively property aspect of it ... That you can only issue in a PPP500 if there are no parenting matters ... what I often get is people who are in the PPP500 space often also have family violence issues and parenting matters that they need to worry about ... so you're prevented from making your application. There, there, I think there is definitely room for there to be a combination ... and I know that there's more information required for the court to, for parenting matters and I concede it would be quite a difficult thing to achieve ... an example is I have a client who might have an entitlement to say a payment of about \$50-60,000, we've got a net property pool under \$500,000 ... and there are significant issues of family violence and young children and we have to seek orders about them urgently. And so, you know, we ended up in that, ah and the, and the property settlement ends up being sort of left on the wayside, but they need that property settlement to fund the ongoing parenting arrangements. So, it misses that space a lot and those people are disadvantaged. (P21, Lawyer, Female, State 3)*

This participant then detailed how including superannuation when calculating whether a matter qualified as a small property pool within the PPP500, combined with excluding parenting matters, impacted significantly on vulnerable and disadvantaged parties who could not access the program on that basis. Specifically, this professional recalled an example of a client who could not access the pilot:

*The other big problem that I have with the PPP500 scheme is that it, the net, that \$500,000 is net inclusive of superannuation ... And often people have significant super which they can't access and is dealt with quite differently by way of a, a, a superannuation split. But the net asset non-super are well and truly under the \$500,000 ... and, and they really should be in that [PPP500] list, you know. So, you know, I've got a, a client at the moment who is really in that space. Full matrimonial home, \$100,000 in equity, stuff all. She should be getting about 60 per cent but the superannuation tips them over the line, and then, and it's not, still not worth their while to pursue it because they'll say to me, 'What, I'm gonna pursue a super split for a super that I'm not gonna see for 30 years? And I'm gonna spend this money which I need now?' ... 'And I've got parenting issues to worry about.' ... But yeah, they're the, the two difficulties I'm finding is that I have a difficulty with the net figure being inclusive of super ... and I have a difficulty where you've got such a low amount of property but there are also family violence and children's issues involved. (P21, Lawyer, Female, State 3)*

Additionally, some professionals suggested that including small businesses in the PPP500 Pilot eligibility criteria would benefit parties with small property pools:

*Where there's a business, like a really small business, it would be helpful if there could be some facilitation before the conference of an agreed value for the business ... These are the parties that really can't afford business valuations and in a lot of cases they're not worth anything anyway, the business is just your name. A man in a van kind of thing ... I think in those sort of cases they should be eligible still to be in the small pool because a lot of businesses in [suburb] aren't worth a lot of money. (P06, Lawyer, Female, State 4)*

In considering how vulnerable and disadvantaged parties could be better supported within the PPP500 Pilot, a few professionals also called for a strengthened relationship between the LAC Trial and PPP500 Pilot:

*[The aspect] of the [PPP500] program that I would like to see changed in the future if at all possible and that's the issue – and it's quite a significant change, is that, at the moment there is one set of funding for the registrar-led [PPP500] program, and there's a separate set of funding for the Legal Aid [LAC Trial] pilot programs ... I was involved in some initial discussions between the court and Legal Aid organisations at the commencement of the program to try and encourage the links between those two programs, so that people could get representation [in the PPP500 Pilot]. What I would like to see in my perfect world is a funding program – and I certainly don't want to intervene in Legal Aid's separate [LAC Trial] pilot program, but I would like to see a program where there is some specific funding for parties for preparation of court documents after the first court event, and attendance with that party at a dispute resolution event, such as a conciliation conference, because it deals with two elements.*

*So if Legal Aid continues its property pilot for conferencing – that is entirely where nobody has commenced proceedings, but there is – I don't think it needs to go past the conciliation conference, but for those parties that are unable to afford their own representation pursuant to current Legal Aid guidelines, but still fall within the PPP500 program, there is still a gap. And that gap has self-represented parties in it, and I still think there is a benefit, and I have no objection at all to there being sort of retrospective contributions and paying money back to Legal Aid at the end, but that legal assistance both through the first court date and the conciliation conference and up to the final court date before the registrar, I think would provide extra value to this program, because it will enable those parties who are currently self-represented, which I suspect is a significant portion of the program, to have access to legal advice on the spot, and similarly both parties having representation assists in my view in the equality of bargaining power between the parties in a dispute resolution process.*

*So I don't know what the final numbers will come in at in terms of the number of cases where one or both of the parties are self-represented, but I do believe that that – those cases would settle more often and more quickly if both of the parties had the benefit of funded representation up to and including the end of the conciliation process ... I don't expect that those few cases that go on for a trial process or a judicial-led process will need to have any sort of funding. (P19, Registrar, Male, State 2)*

The need for further support for vulnerable parties was also raised by a participant who suggested making duty lawyers more easily available to self-represented parties, particularly if support from Legal Aid is not provided:

*I mean at the end of the day it'd be really good if early on, I suppose – but maybe the courts do this anyway – if somebody is unrepresented, that there was a duty lawyer there, they should be referring them to a duty lawyer, who could potentially, if the Legal Services Commission can't jump on board, who should be referring to a CLC [Community Legal Centre]. I'm not quite sure how much stuff goes early on in terms of making sure that if somebody was unrepresented had filed, if they're – that if people know that there are organisations that might be able to represent them. I don't know the answer to that. (P05, Lawyer, Female, State 3)*

## Reconsidering the role of the registrar

Given the central role played by registrars in the operation of the PPP500 Pilot as highlighted in registrars' own accounts above, and in the discussion on financial disclosure earlier in this section, a small number of participants also suggested that registrars should be delegated increased powers within the pilot:

*Maybe if the registrar had more powers or if the matter could be referred to a judicial registrar immediately to have urgent orders made, something like that you know, where – if it's a situation where the registrar doesn't have power to make certain orders. That would be – that would definitely go a long way ... For*

*just and equitability of the outcome ... As in bearing in mind, for it to go to trial, it's not a feasible option for people. Most people in the priority property pool thing, ah, I think to have the matter go all the way to trial. And that's a number of hearings between - and conciliation between the first hearing and trial. (P15, Lawyer, Female, State 1)*

*In the mainstream process, the only thing is a bit more tricky because they might have businesses, trusts, you know, a business - structure that's a bit more complex. Rather, it requires a bit more time. This - the PPP500 that is, is just to have the time, so it has great capacity to get over it quicker. The other option with PPP500 it may be, at the moment, perhaps, senior judiciary registrar can run final - run the final hearing ... The law is not that complex. (P30, Registrar, Female, State 4)*

*I can say that at present the matters are resolved on a final hearing basis through a judge. They can't be resolved in any other way. And it may be that these kinds of matters, the final hearings, could be dealt with by someone that's not necessarily a judge. It could be that a senior judicial registrar might be able to determine a final hearing for a matter of that nature rather than a judge, simply because it takes so much more time to get to a judge because of the limit of the resources and the fact that there are so many matters that need to get to a judge. (P32, Registrar, Male, State 4)*

A small number of professionals also raised the importance of the registrar's approach within the PPP500 Pilot, suggesting that the registrar's role should involve finding a balance between getting 'to the guts of the matter straight away', as suggested by the first lawyer (P13) quoted below, and taking a 'softer approach' in their interactions with parties, as suggested by the second lawyer (P12) quoted below:

*If was going to say anything it would be the registrars quite often will have formed a preliminary view. Sometimes they're right, sometimes they're not. When they're not right and they've only read some of the material or they're not aware of everything and they make comments that are sometimes unhelpful because they might put wind in the sails of the person on the other side who's been running a nonsense argument who all of a sudden then thinks, oh well, you know, the registrar thinks I'm right as well therefore I must be right and it's only because it's a comment that's come from a place of limited knowledge that - that's sometimes frustrating but I mean judges are guilty of that as well ... But again, I get they're trying to ... get to the guts of the matter straight away. It's just yeah, sometimes they are a little bit too robust in doing that. (P13, Lawyer, Male, State 2)*

*Look, in my experience with that I guess the registrar was quite terse in [their] approach ... And this stuff happens, it's part of putting pressure on the parties to try and resolve these things, but sometimes these parties are so emotional and so worked up that that sort of sets them off even more. Yeah, look I don't know that there's a way to fix that one either but it just - yeah the way they, the clients react to that. And not all clients are the same but in this particular instance my client was extremely emotional about the situation ... And there was sort of a whole wraparound picture in that he hadn't seen his kids for a number of years and all sorts of other things going on that contributed to I guess the stress that he was feeling ... Because they're [parties are] already feeling I guess mistrust about what's happening to them, and so then they sort of put an additional wall up, just to try and protect themselves. (P12, Lawyer, Female, State 4)*

When asked what could be improved in relation to the registrar-led limb, this lawyer referred to the potential for an independent person/court officer who could support parties in the PPP500 process:

*Oh look I don't know if there's the ability to have a softer approach or whether there's some form of court officer or independent person I guess that's still affiliated with the court, that can sort of, I don't know, give them - not legal advice but some form of support; reassurance about what to expect ... And so I think if it's an independent person delivering some sort of message about what to expect, that that might help some people. (P12, Lawyer, Female, State 4)*

Speaking to the impact that the approaches applied in the registrar-led limb of the PPP500 Pilot might have on vulnerable parties, another lawyer reflected:

*Look, I think it's [the registrar-led limb of the pilot is] not a very person-focused process, so you're very much constrained to trying to reach an outcome. So in some ways the registrar doesn't even care what the outcome is if an outcome is achieved...And I think that could be at the cost of justice and equity and perhaps isn't why more matters are not resolved...with that focus on getting an agreement, irrespective of what the agreement is, could be quite detrimental to those with less bargaining power or less confidence. (P04, Lawyer, Female, State 2)*

Notably, these responses around the importance of the registrar’s approach resonate with registrars’ own concerns and suggestions around the need for increased funding and resources to be directed to the registrar-led limb of the program, with P12 (above) suggesting that an ‘independent person’ should be available to support parties to assist them in understanding what to expect from the PPP500.

## Further streamlining the PPP500 process

In reflecting on the future implementation of the PPP500, the majority of professional participants suggested that the process and PPP500 documentation should be further streamlined and simplified.

### Reducing the number of court events and reducing the time lag between conciliation conferences and final hearings within the PPP500

A small number of professional participants suggested that the number of court events needed to be reduced to further streamline the PPP500 process and ensure that it is accessible to parties with small property pools. For example, one lawyer recounted her experience of multiple enforcement applications as well as a second conciliation conference:

*It is pretty odd considering we had to have two sets of enforcement applications and things like that. But, if there are going to be multiple attempts at conciliation, conferences and things like that, it’s really unlikely to be feasible for people to – to be necessarily represented or depending on the level of representation, I guess. (P17, Lawyer, Female, State 1)*

Furthermore, when asked if the pilot provided low-cost court-facilitated outcomes for parties with small property pools, this participant responded, ‘because of all the extra court dates, I don’t think so’ (P17).

In addition, some participants raised concerns about the operation of the judge-led limb and the need for there to be expedited hearings following a conference if an agreement was not reached by the parties, as illustrated by a lawyer who explained:

*Obviously if it [PPP500 matter] hadn’t reached agreement at the registrar stage then it would have gone on to the judge and I think the issue then because the registrar said that it wasn’t going to have a final hearing date for 12 to 18 months is, what then happens in between. Because it’s such a long time between that conference stage and the final hearing stage, what then happens? Do parties just sit around twiddling their thumbs waiting for this final hearing and then by the time it gets to that they’re going to have to provide disclosure again, make sure it’s all updated. Their situation might have changed. (P08, Lawyer, Female, State 1)*

While this lawyer suggested that this extended period of time between a PPP500 conciliation conference and final hearing before a judge often helped to encourage parties in settling their property matter at the registrar-led limb, she expressed a concern around how this process worked for parties who might not settle at the registrar-led stage of the pilot:

*I think that wait in between although on one hand it was a good bargaining tool to say, Well, let’s try and get it sorted today – if it didn’t get sorted that’s a huge period of time where I really don’t think that much will be happening, so it’s kind of like streamlined for that initial period to the conference but then after that it just goes back to usual wait periods ... It would be good if, you know, let’s just say at the conference stage they weren’t able to reach agreement, depending on what they weren’t able to reach agreement about I think if there was an opportunity for them to get to a final hearing faster – I think that would be way more efficient than having to wait 12 to 18 months ... But then again, at the same time, I think it does force them [parties] to really knuckle down at the conference and get an agreement so yeah, I mean, streamlined to that [registrar-led limb] point. (P08, Lawyer, Female, State 1)*

Mirroring these views, a different lawyer recalled:

*I thought originally if it was going to get bumped up to a judge, then it would happen that same day. Like you had a hearing in the morning and if you needed to get before a judge, because you know, the other side didn’t rock up or whatnot, I thought that they were within a list that would go in the afternoon, but in one of my – I know in one of my colleagues’ experiences, they had to wait a while to get before a judge ... So maybe that might need to be tweaked a bit. (P05, Lawyer, State 3)*

## Streamlining, simplifying and modifying required documentation and the filing process within the PPP500 Pilot

Despite expressing a view that the financial summary was effective in many ways, some professionals suggested that the document could be further simplified to meet the needs of parties with small property pools, particularly self-represented litigants and other vulnerable parties:

*The [financial summary] form might need a bit of fine-tuning ... Yeah the financial summary form, but it is not unworkable ... For example, on the form, there was space where you list financial contributions and income, I get what they're trying to get at, but for people who were in relationships from the [19]80s to now, that ultimately is not very relevant ... Yeah, so for very short one [relationship], it will probably would have a lot more significance but I wouldn't have a lot of criticism for the form; it's designed to be brief and it is brief, it deals with the main points and it's got everything in there. If there is some kind of gap, you can add an annexure to the form anyway so no major criticism. (P01, Lawyer, Male, State 1)*

In a similar way, another lawyer indicated that while the financial summary was 'not a bad form', she suggested that it could be further simplified to support parties in filling out the form themselves:

*I think what the financial summary is supposed to do is sort of tease out a lot of questions, and if there are unrepresented litigants it's easier for the registrar doing the conciliation conference to sort of have an understanding of what might be fair and equitable ... So I get it. And on the whole, it's not a bad form ... I usually give it to my clients and say give it your best go and then we'll go through it all together ... And some of them did find it quite confusing to fill out ... so I think it would be difficult for someone who's trying to do it themselves.*

*So if there's a way to somehow simplify it, like, for example, what I can think of off the top of my head, there's a question that talks about did you or your partner make any financial – initial financial contributions, or something like that – there was a question about financial contributions, and you and your partner, and then there's a tick box ... But how does the registrar know if that contribution was made by you or your partner? So there's a few things on the form that I think need tweaking and if there's some way to simplify it to make it easier – I don't know if they can, you know, get some lay people in to have a go at filling it out and get some information that way, but I have found every – every client I have given that form to, they've needed some serious – we've really needed some serious help with filling it out ... I suppose that part of it's a bit time consuming. (P05, Lawyer, State 3)*

A different lawyer also explained how confusing the financial summary might be for clients who have already been involved in preparing affidavit material and other required documentation when proceedings are first initiated:

*Yeah I'm just, yeah I'm not sure how straightforward it's [the financial summary is] going to be for a self-represented litigant to go through and, and provide all of the information that's being requested ... I think, I think if those forms are completed correctly that they will provide the registrars and the courts with a great amount of detail, but it's getting to the point that they are being completed correctly. (P25, Lawyer, Female, State 3)*

Echoing these views around the complications of the filing process at the initiation of proceedings was another lawyer who spoke to the confusion around the filing of documentation online:

*The [online] portal doesn't allow you to file a financial summary, so you've got to call it a financial statement which isn't a hundred per cent accurate. (P16, Lawyer, Female, State 2)*

Confusion around the PPP500 filing process extended to professionals engaged in the pilot, with another lawyer recounting:

*So the first thing that we've found is that I'm not sure of the registrar's training but the practise direction is quite clear that it's meant to be streamlined with documents that we file ... But we've had more than one registrar receiving our application and they're making a direction that everyone still file a financial statement ... So I've written on both occasions to the registrar saying we're in the PPP list, that's not what the practice direction says and we're trying to save costs ... Because you spend a lot of time selling the process to your client and then you've got to do this extra document anyway ... In the second case, the registrar wrote back and apologised and said, 'Yes you're right. You don't have to file that' ... No, and I think that's just a registrar training thing. So, I'd make sure they're trained up if it [the PPP500] becomes beyond a pilot, yep. (P06, Lawyer, Female, State 4)*

One registrar responded by suggesting that the PPP500 filing process could be streamlined, by allowing parties to file a financial summary upfront:

*It's very much in initiating an application, financial statement coming in, and the court staff saying oh this could be [a PPP500 matter] and sending it to me. So I think maybe some work could be done with encouraging the profession to think about first, particularly with these new procedures and rules the court has brought in – there's no reason – they should know if it's [a matter is] under 500,000 and then make the application on that. (P22, Registrar, Female, State 1)*

Considering the financial summary further, this registrar suggested that the document could be streamlined more, while cautioning that the document can be an important resource for some parties with small property pools in assisting them to 'feel heard':

*Sometimes I look at that – financial summary and go oh, there's probably a little bit too much in it, you could probably streamline it a bit more, but it has got to be accessible and I think it is clearly accessible for people who want to, you know, take the time to fill it out properly ... So it's that fine line between what the court needs and what the parties need to get off their chest ... Because that's a big part of it too. That they [parties] feel heard. (P22, Registrar, State 1)*

Of significance for some professionals was the ways in which the required documentation and the filing process could further disadvantage vulnerable parties as expressed by one lawyer who suggested that inconsistent filing processes for applicants and respondents can reproduce power imbalances:

*The problem that I see with the PPP [500 Pilot] program in producing just and equitable outcomes is that one party is at a disadvantage sometimes, so the person who files the application, at the moment they can't choose to file it as a PPP. We have to file it as if it were a judicial list with an affidavit and a financial statement and so the client then has a forum, you know, to put in all of their things in their affidavit about the other party. Sometimes people use that as a forum and, you know, it can be a perpetuation of domestic violence in some cases for the other party to have to read that and then the matter gets designated PPP[500 Pilot] and the other party gets directed to file a financial summary, okay, so they don't then get to have a voice as well in terms of responding to all those, you know, allegations in the affidavit. They may be totally irrelevant but it just – it means that there's a power imbalance in some of those matters because of the way the filing process occurs ... and there's no recourse for those people who are respondents because the matter is into the registrar-led program which ultimately is good because it focuses the parties on the relevant issues, but one party has got to have their little say. (PO7, Lawyer, Female, State 2)*

A different lawyer suggested that while not being required to file an affidavit could be beneficial for some vulnerable parties, for others it may not be the same experience:

*I think some of the positives [of the PPP500 Pilot] are directly downside as well. So one of the positives is not having to prepare an affidavit, but a huge downside of that is that the registrar doesn't know what's happened in these parties' lives, and they don't know what circumstances have brought them here, whereas in the affidavit there is an opportunity to explain a little bit about what is limiting the parties to reach an agreement, because, you know, domestic violence that might have occurred, or because of certain vulnerabilities, so there's a lot of blanks when you first go to that court date, because the only information that the registrar really has is that financial summary document. Which in itself doesn't have a lot of information. So – and for self-represented litigants, they might not be aware that they have to bring certain things to the registrar's attention. They do have in that first chambers order if you need a safety plan you can contact the court, but there might need to be – there might need to be more. (PO2, Lawyer, Female, State 2)*

Elaborating on these views, this lawyer then reflected on what information is sought in the financial summary document within the PPP500 Pilot and why, while suggesting that this limited information could be disadvantageous to some parties, including unrepresented litigants.

*It's [The role of the registrar is] more about reaching the balance sheet and exchanging disclosure, and I think that these things aren't necessarily a negative, I think they have a bit of both, because the focus is really about trying to minimise – trying to focus in on what the issues are for the court to decide, and to assist with ... So it's not necessarily entirely negative. I think it takes away a lot of the outside issues and focuses on what needs to happen in this property settlement. But I think I would worry, with my clients that I've had, if they were to be self-represented litigants, that it – they would find it challenging, I think, still. (PO2, Lawyer, Female, State 2)*

To remedy this issue, one practitioner suggested that a 'family violence section' could be included in the financial summary:

*I suppose one thing I would raise [about the PPP500 Pilot] is, the court's not gonna be in the same position to assess the facts surrounding the family violence as they would be in, if say, under the previous arrangement they were preparing an affidavit ... I think that's one concern. It – it didn't bother – didn't concern me in this particular matter ... But then on the other hand you know, it's – those forms are expensive to prepare if you're gonna do – ah prepare an affidavit ... so, I would've thought one thing that would help is, perhaps having a family violence section of the financial summary if the court's looking to manage that. (P26, Lawyer, Male, State 4)*

Another lawyer raised the possibility of streamlining and simplifying the PPP500 filing process to 'minimise documentation required':

*I just think that whole initial intake needs to be perhaps looked at. So, I'm not sure how you would do it but that you could issue knowing it was a PPP500 and just do those documents rather than issue and then it's the registrar then sees oh yes that should be in the PPP500 list, then flicks it over. But once it's [the PPP500 is] no longer a trial [Pilot], if they're going to be putting it in and that's what probably happens, I suppose ... So I think it would be about minimising documentation required. (P28, Lawyer, Female, State 1)*

On the other hand, some professionals raised concern that the PPP500 was not inclusive of sworn evidence:

*Although the documents, the [financial summary] application itself was easier to complete and more time efficient to complete, the issue to consider is that there is a lack of sworn evidence because we didn't do an affidavit and because the other party wasn't required to do an affidavit you sort of just are going off unsworn documents and just having faith in each other that, you know, people are giving information that is true and correct ... I mean, look, people might omit things from affidavits or not be completely honest, but I guess there is that further level of protection having someone swear an affidavit to say this is true and correct whereas in the PPP500 there is no sworn evidence, so you sort are proceeding on the basis that this person is telling the truth. (P08, Lawyer, Female, State 1)*

## Summary

The qualitative findings shed light on the complex circumstances and experiences of the client base accessing the PPP500 Pilot, and how valuable the availability of this program is for this particular cohort of clients. In considering how simple, efficient, and cost-effective the PPP500 process was for them, some parties reported that the pilot was easy to navigate while others reflected on the unique challenges they experienced as self-represented litigants in the process. For example, one party suggested that further support was required to assist in explaining the process to self-represented litigants and what they should expect. In their reflections on this same topic, some professionals made striking comparisons between the options available to this client base prior to the pilot and the access they now have to a court process option for them due to the implementation of the PPP500 Pilot. One participant explained that the 'missing section of society' could now benefit from the PPP500 and have access to justice that they previously did not due to prohibitive cost. Other professionals spoke about the cost-effectiveness of a simplified filing process within the pilot, and how this assisted in alleviating economic hardship for vulnerable parties.

In relation to financial disclosure all four parties interviewed reported concerns around lack of full and frank disclosure on the part of the other party, with one participant drawing attention to the role of the registrar in supporting her by speaking with her about these concerns. Professionals' views on the processes around financial disclosure in the pilot were varied, with some reflecting on how important the 'hands-on' case management approach of the registrars is in facilitating full and frank financial disclosure from parties, and others expressing that there were minimal differences between the approaches to financial disclosure applied in the PPP500 Pilot and the mainstream process. Further, some professionals suggested that financial disclosure should not be 'overcomplicated' in the PPP500 Pilot given the small size of the property pools involved. Some of the key factors that were considered to inhibit financial disclosure within the pilot were the complex relationship dynamics and circumstances of the parties accessing the PPP500 Pilot. In reflecting on some of the barriers to disclosure, some professional participants called for increased delegations to registrars to reduce the need for matters to be resolved by judicial determination.

Reflecting on the fairness of outcomes achieved in the PPP500, some parties interviewed considered access to the program to be valuable, but did not suggest the outcomes were necessarily fair, particularly in matters characterised by inequalities in bargaining power. On the other hand, some professionals considered the PPP500 Pilot to facilitate the achievement of fair outcomes for parties, first, due to the requirement of registrars and judges to be satisfied that orders made are just and equitable, pursuant to the *Family Law Act (1975)*, second, due to the pilot being effective in saving parties from incurring significant financial cost. Another group of professionals suggested that PPP500 Pilot outcomes were ‘as fair as they can be’, meaning that outcomes were not considered to be any fairer within the pilot, when compared with the mainstream court processes. This group of professionals highlighted the key to fair outcomes was legal representation for parties, which not all parties accessing the pilot could afford. Another key group of professionals compared the outcomes achieved in the PPP500 Pilot to those generally achieved by other processes available to this client base, suggesting that while the ‘fairest’ outcome would be achieved by progressing to judicial determination, the ‘best’ outcome for many parties accessing this pilot is an outcome that provides them access to a legal process where they have the opportunity to retain as much of their limited funds as possible. Thus, these professionals drew attention to the role of the pilot in assisting parties to achieve ‘commercial’, rather than ‘fair’, outcomes.

While most professionals in the sample suggested that the outcomes achieved in the PPP500 Pilot were generally sustainable, two parties reported in their interviews that they had experienced non-compliance of final orders on the part of the other party. Professionals reflected on the importance of the design of the pilot and the role of the registrar in supporting parties, while allowing them to come to an agreement between themselves. These professionals considered that parties were less likely to experience issues with enforcement of orders if they were provided with the opportunity to achieve an agreement themselves (rather than being compelled to comply with orders made by a judge). The requirement of early financial disclosure in the PPP500 Pilot process was also raised by some professionals as being crucial to facilitating sustainable outcomes for parties with small property pools. Furthermore, some professionals suggested that by virtue of achieving final orders, outcomes will be sustainable, and will compel parties to comply with orders.

Most professional participants indicated that the PPP500 Pilot supported the needs of vulnerable and disadvantaged parties. Some of these participants suggested that having access to a registrar-led process was crucial in supporting vulnerable parties, given that registrars are trained in understanding and managing power dynamics, and they have more time to spend with vulnerable parties. The timely progression of matters more generally in the PPP500 Pilot was also underscored by some professionals as being key to supporting vulnerable parties, given that protracted litigation has been found to further traumatise some parties. Additionally, the streamlined filing process and required documentation was considered to be beneficial for some vulnerable parties who were no longer required to file an affidavit and revisit any traumatising experiences. In thinking about how vulnerable parties were supported within the PPP500 Pilot in the context of the COVID-19 pandemic, some participants noted that while the option of remote or video conferencing was not a unique feature of the pilot, it was the most beneficial for the client base accessing the program, particularly for parties who had experienced family violence, as in some cases, they were no longer required to physically attend the court building in the potential presence of the other party. A smaller number of professionals reflected on the aspects of the judge-led limb that they saw as being supportive of vulnerable parties. These professionals highlighted the importance of judges having the capacity to make findings in relation to circumstances such as family violence, drawing attention to the limited capacity of the registrar to manage complex dynamics such as systems abuse in their role.

Finally, most professional participants drew attention to at least one aspect of the registrar-led limb of the pilot that could be improved. Some professionals called for the scope of the pilot to be expanded. For example, some participants suggested expanding the PPP500 to other states and territories so that a larger number of parties with small property pools in need of this program could access it. Another group of professionals called for increased funding and resources to be allocated to the registrar-led limb, given the central role of this stage in the implementation of the pilot. Further to this, there were concerns from some professionals that many potential clients were ‘missing out’ on participating in the pilot due to the limitations of the current eligibility criteria, with some drawing attention to the inclusion of superannuation amounts in the small property pool definition as being problematic. The exclusion of parenting matters was also raised by some participants as further disadvantaging some of the most vulnerable parties who might need access to the PPP500 Pilot. In order to better support the needs of vulnerable parties within the PPP500 Pilot, some professionals called for a more consistent and strengthened relationship between the LAC Trial and the PPP500 process, and to delegate increased powers to registrars to further streamline the process for vulnerable parties. Further streamlining the PPP500 process was considered to be crucial for some professionals who suggested reducing the number of court events, and modifying the filing process and required documentation, including the financial summary.

## 6 Case studies

### Introduction

This section presents case studies that provide in-depth insight into the operation of the PPP500 in particular contexts. The case studies support an understanding of party experiences of the PPP500, with the selected cases including those that are characterised by allegations or substantiated family violence, as well as those that are not. The case studies are primarily drawn from the court file data and the qualitative interview data with PPP500 parties, with additional insights from interviews with professionals. The case studies inform a consideration of the factors and dynamics that may support or hinder the effective, efficient and appropriate resolution of small pool property disputes, whether by consent or judicial determination. Although there are data limitations, they also contribute to a comparative analysis of Pilot sites. The case studies also contribute to the consideration of how small pool property matters should be defined and to the assessment of the effectiveness, efficiency and appropriateness of service provision pursuant to the pilot.

The initial data collection framework proposed that four case studies were to be drawn from each pilot site with one case selected at each site in the following categories:

1. Matters reaching final resolution within the registrar-led limb
2. Matters progressing from the registrar-led limb to the judge-led limb
3. Matters commencing and reaching final resolution in the judge-led limb
4. Small pool property matters reaching final resolution in the mainstream judicial list.

The matters selected as case studies reaching final resolution in the registrar-led limb of the PPP500 Pilot are based on the four interviews PPP500 parties in the qualitative interview sample and are presented first in this section of the report. The section will then move to a discussion of four matters progressing from the registrar-led limb to the judge-led limb. The four matters are drawn from court file data with additional insights from the qualitative data from interviews with professionals. The court file data and interview data did not contain matters that commenced and reached a final resolution in the judge-led limb of the PPP500 Pilot and, as such, case studies in this category cannot be presented as part of this report. The final part of this section will present small pool property matters reaching final resolution in the mainstream judicial list and will be drawn from both the PPP500 and the non-PPP500 comparative sample. For the PPP500 matters that resolved by judicial determination, these matters resolved in the mainstream judicial list as at the conclusion of data collection, there were no matters where parties had agreed to use the short-form PPP500 judicial determination process. Where the data allow, case studies in each category will be drawn from each pilot site noting, however, that data limitations meant it was not always possible to identify data sufficient for the development of a case study in each pilot site in the relevant case study categories. It is also noted that approximate values for assets and liabilities and age and income categories are used in the presentation of these case studies to support the anonymity of parties to the proceedings.

### Case studies reaching resolution in the registrar-led limb

The following four case studies come from qualitative interviews with parties. All four parties finalised their consent orders at the registrar-led limb. Each participant has their own individual PPP500 experience. At the same time their experiences reflect a range themes and data across the evaluation findings. It is also acknowledged that it can be difficult to talk about post-separation matters, recall these events and remember the order in which events occurred, particularly in the context of trauma, ongoing issues and/or safety concerns.

## Case study 6.1: Female Interviewee 1 (State 1, register-led limb)

### Key events

- Domestic violence preceded separation
- Sought advice from Legal Aid, referred to court
- Assigned to PPP500 list
- Self-represented
- Process was both difficult and empowering
- Consent orders after approximately seven months
- Outcome meant she paid her ex-partner a significant settlement in cash and superannuation
- Ex-husband has not complied with consent orders

Female Interviewee 1 is 40–49 years old and does not have any children under 18 years of age. She experienced significant domestic violence perpetrated by her ex-partner and had ongoing concerns for her safety and wellbeing.

Female Interviewee 1 represented herself throughout the PPP500 process after legal aid initially referred her to court when she had sought legal advice. Division of property, superannuation and debt formed the main issues, particularly as her ex-partner was continuing to accumulate debt in her name via shared property. Her matter reached final resolution at the registrar-led limb, with the process taking approximately seven months. After initiating the application, she recalled the key events being the first court date, compliance check and conciliation conference.

Following the preliminary advice from legal aid, Female Interviewee 1 represented herself in the PPP500 process and this form of participation had both positive and negative aspects. Self-representation added to the emotional impact on her and it required significant effort to do the tasks required in the PPP500 process, but she also felt empowered particularly through her interactions with the registrar and following court events.

Female Interviewee 1 had not been able to have direct contact or other communication with her ex-partner about financial matters following separation because of ongoing concerns for her safety and domestic violence. She explained her ex-partner's behaviour and abuse meant the financial situation could not have been settled between them in another way without the PPP500.

The PPP500 Pilot was the most effective way to reach an outcome in her view, even though she felt the outcome was not as fair for her as it could have been. Female Interviewee 1 recalled how the registrar provided oversight to ensure the process was reasonably fair, and she gave positive feedback about the registrar's role. For example, she described how her ex-partner had not given full and frank disclosure, but the registrar-led process gave her the opportunity to provide evidence about this and the registrar responded with an order for her ex-partner to make the appropriate payments to stop debt accruing in her name. Not having to be in-person for court events, and events being held over the telephone instead, also helped Female Interviewee 1 feel safer and added to her positive experience of the PPP500 process.

The outcome resulted in Female Interviewee 1 agreeing to make a payment to her ex-partner in cash and superannuation to reach a property settlement. Female Interviewee 1 expressed some uncertainty about whether the outcome reached in their agreement was fair. Instead, achieving closure was a stronger motivation so she accepted what she viewed as a less fair outcome to end the matter, particularly given the impact of ongoing concerns for her wellbeing and safety. However, an outstanding issue is that her ex-partner has not completed the process of having her name removed from real property as required under their consent orders and she is unsure what will be required to fully resolve that problem.

**Source:** Evaluation of the PPP500 – Qualitative Interviews – Parties

## Case study 6.2: Female Interviewee 2 (State 2, registrar-led limb)

### Key events

- Separated approximately four years
- Ex-husband did not comply with post-separation agreements
- Initiated an application to the court
- Court offered PPP500 Pilot in response to her conciliation conference request
- Self-represented
- Ex-husband's conduct extended the process by approximately 10 months
- Consent orders reached with one conciliation conference
- Outcome required ex-husband to refinance and payout her share of property

Female Interviewee 2 is 50–59 years old and has one child under 18 years of age and two children over 18 years.

Reaching a settlement for the family home was the main issue in her case because she wanted her name off the mortgage and her ex-husband was still living there. She initiated divorce proceedings after her ex-partner did not cooperate in decision making over a period of approximately four years since separation, including that he did not implement prior agreements made in mediation for parenting, child support and property. She explained this left her with no options other than to initiate an application with the court and to represent herself.

Knowing there was a 12-month window with divorce proceedings and conscious of the size of their asset pool, Female Interviewee 2 used the court website portal to start the process and she reported that she requested a conciliation conference. The court offered her a place in the PPP500 Pilot in response to her conciliation conference request, even though their total asset pool was over \$500,000 due to superannuation.

Female Interviewee 2 represented herself in the PPP500 registrar-led limb process whereas her ex-partner had legal representation. Financial concerns were a consideration in her decision not to have legal representation. She paid for instances of legal advice but was caught between the gap of not qualifying for legal aid and not having financial resources to pay for legal representation. Female Interviewee 2 did indicate that her ex-partner had an advantage being legally represented when she was not and as a result her experience reflected a power imbalance in the PPP500 process.

Female Interviewee 2's matter had one conciliation conference with a registrar to reach a settlement. Overall, Female Interviewee 2 agreed the PPP500 process was simple and easy to use but felt this was partly because she had some knowledge and understanding of the legal system and what was required of her to do. For example, she described doing a significant amount of work for financial disclosure and then relied on that evidence to counter her ex-partner's claims when he had not provided full and honest disclosure.

Female Interviewee 2 expressed that a benefit of the pilot is providing a quicker process for both the court's resources and for parties. Even though Female Interviewee 2 thought the PPP500 Pilot gave her a quicker process than mainstream property proceedings, she explained the process took longer because her ex-husband caused delays with a child support appeal and his poor communication in the proceedings, which in turn added an estimated 10 months. She also thought the outcome probably would have been the same through either the PPP500 Pilot or mainstream processes.

The agreement reached via the registrar-led conference was for Female Interviewee 2's ex-partner to refinance the real property and his payout to her was in 50% cash and 50% superannuation, which was consistent with her original position for a 50/50 property split. Upon reflection though this participant stated that the outcome has not been as fair as she had initially thought. This is because having funds tied up in superannuation has made it more difficult to afford housing for herself and her children than would have been possible with a greater proportion of her payout from the real property in cash. Further delays caused by her ex-husband not complying with the PPP500 Pilot consent orders and child support, along with the changing property market due to the COVID pandemic, have added to her housing challenges. She is reluctant to initiate enforcement proceedings at this stage to finalise outstanding matters from the PPP500 consent orders.

### Case study 6.3: Male Interviewee 3 (State 2, registrar-led limb)

#### Key events

- Separation, engaged private lawyer
- One year of negotiations for property and parenting exhausted savings with legal fees
- Consent orders not signed by ex-partner
- Filed an initiating application with the court
- Assigned to PPP500 Pilot list
- Self-represented
- Approximately six months to registrar preliminary hearing (timing to consent orders not stated)
- Outcome with 34% asset split to him and retaining his superannuation

Male Interviewee 3 is 30–39 years old and has two children under 18 years of age with his ex-partner.

The main issues in his matter concerned the division of real property and debt. Male Interviewee 3 was particularly concerned about his ex-partner's debt. He initiated an application to the court under the mainstream property process and was assigned to the PPP500 list.

Prior to his initiating application, Male Interviewee 3 had engaged a private lawyer at the time of separation and spent about a year negotiating a parenting and property agreement with his ex-wife through her lawyer. The legal fees exhausted his savings and in the end his ex-wife did not sign the drafted consent orders. He felt he had no other option left than to apply to the court. Parenting arrangements and child support are ongoing matters.

Male Interviewee 3 represented himself in the PPP500 Pilot registrar-led limb process, while his ex-partner did have legal representation throughout that time. He felt this placed him at a disadvantage, including in relation to processing and understanding legal information. As an example, he received a substantial volume of information from his ex-partner's legal representative a short time before a hearing with the registrar. Adding to the power imbalance in legal representation, Male Interviewee 3 described the PPP500 process and the legal information received from the court as confusing to some extent and made more difficult to deal with as a self-represented litigant.

The PPP500 process was not quick from Male Interviewee 3's perspective. Although it was not clear for him how long the total process took to reach consent orders, the first stage felt like a long time. He estimated the timing from his application to the conference was over six months.

Male Interviewee 3 was critical of the registrar-led process, particularly in relation to fairness and financial disclosure. He described the financial disclosure in his case as being complicated by debt, child support and ongoing conflict, particularly in relation to debt his ex-partner accrued. Despite his evidence against the size of the alleged debt, he was concerned about how the registrar dismissed his disagreement with the inclusion of the disputed debt in financial disclosure. He also described the registrar as questioning his motives in a negative way about child support and parenting time. His overall experience with the registrar contributed to Male Interviewee 3's view that the PPP500 process was not fair.

The outcome resulted in Male Interviewee 3 receiving 34% of the remaining assets and retaining his superannuation. The outcome was consistent with his previous legal advice and not the same as his ex-partner's original position that he should take on all her debt and payout his superannuation and share of property to her in full.

**Source:** Evaluation of the PPP500 – Qualitative Interviews – Parties

## Case study 6.4: Male Interviewee 4 (State 2, registrar-led limb)

### Key events

- Separation, engaged private lawyer
- Real property sold
- Ex-wife did not comply with transfer of real property funds for more than two years
- Initiated an application with the court
- Legally represented throughout PPP500
- Process of approximately three months
- Outcome resolved the settlement from sale of property and enabled debts to be cleared

Male Interviewee 4 is 40–49 years of age and has two children under 18 years with his ex-wife. He described his ex-wife as having been emotionally abusive, as well as ongoing conflict with her and difficulties in his relationships with his children.

Male Interviewee 4 and his ex-wife had been separated for some time. He had previously attempted mediation, but his ex-wife did not attend. They had both been legally represented in the past and this resulted in the sale of their real property. He estimated that for two to three years, money from the sale of their real property had been held ‘in limbo’ and he was still waiting for his ex-wife to transfer his share of the sale to him. There was also substantial outstanding joint debt accrued during the relationship in his name. These two matters of debt and settlement from the property sale formed his main concerns and the basis for his application to the court. Male Interviewee 4 continued to be legally represented for the PPP500 while his ex-wife represented herself.

It was not clear from Male Interviewee 4’s recollections how the court assigned his case to the PPP500. He was also not sure exactly how long the PPP500 process took, but he estimated around three months. This was significantly less time than the preceding legal events that had occurred since separating in 2018. He indicated that the PPP500 process, including the forms, his financial disclosure and the registrar-led conference process, was quick and easy to do, particularly with the support of a solicitor. He did, however, express concerns about the honesty of his ex-wife’s financial disclosure. However, the time frames and dates set by the registrar helped as this meant his ex-wife could not continue to defer what was required of her. This added to his positive experience of the PPP500 process.

Male Interviewee 4 was satisfied the outcome was fair for both him and his ex-wife. He acknowledged that his ex-wife received a share of funds, and he felt positive that he was able to clear the debts in his name. He also commented that if not for the PPP500 Pilot, he would have had to take further legal action to release the funds owing to him from the sale of the property.

Source: Evaluation of the PPP500 – Qualitative Interviews – Parties

## Case studies transitioning from the registrar-led limb to the judge-led limb

This section will discuss four matters progressing from the registrar-led limb to the judge-led limb. The four matters are drawn from the court file data sample, having had access to the court documents on each relating to the PPP500 proceedings (including initiating application and response to application; financial summary/financial statements; affidavit material where available; evidentiary material including family violence orders; court orders). Additional insights are provided from the qualitative data from interviews with professionals. Together, these data provide insight into the experiences of the registrar-led limb and the judge-led limb, including from states that could not be featured in the detailed case studies.

## Case study 6.5: Matter 1 of cases progressing from the registrar-led limb to the judge-led limb (State 1)

### Key events

- Female party made initiating application
- Two children under 18 years residing with female applicant, time with male respondent unknown
- Both parties had private legal representation
- 10 months in the PPP500 Pilot program
- Mutual allegations of domestic violence
- Part consent registrar-led limb and part consent judge-led limb
- Outcome resulted in final orders transferring proceeds of property sale to the female applicant, each party retained their superannuation interests, and superannuation split with a base amount of \$0-\$49,000 allocated to the female applicant from superannuation interests of the male respondent.

Proceedings were initiated by the female applicant with the matter resolving on a final basis with orders made by consent after 10 months in the PPP500 program progressing from the registrar-led limb to the judge-led limb. Previous interim orders were made in September and October 2020.

The female applicant and respondent male were aged in the 40-49 age bracket and were privately represented. The female applicant and the male respondent were both employed on a part-time basis. The parties had resided in a de facto relationship for a disputed period of 7-8 years and there were two children of the relationship aged in the 8-12 years age bracket. The children resided with the female applicant and the time spent with the male respondent was unknown.

Both parties reported that they were earning modest incomes; the female applicant's annual income was in the \$33,800-\$41,599 bracket and the male respondent's between \$52,000-\$64,999 and they made financial contributions in these amounts per annum respectively and no payments were made by either party by way of spousal maintenance. The asset pool primarily comprised proceeds of sale of the former matrimonial home in the \$0-\$49,000 bracket. The female applicant did not disclose any superannuation and the respondent disclosed superannuation under \$20,000. Both parties claimed to make non-financial contributions nominating homemaker and parenting contributions made by them and by others on their behalf. The male respondent claimed that the female applicant had not made full and frank financial disclosure.

Both the female applicant and male respondent made claims about family violence as an additional factor for consideration in the property settlement and the female applicant also identified limitations on her access to joint financial resources during the relationship.

The female applicant sought that matter be divided 70%-30% in her favour and that the proceeds of sale be retained by her and orders in relation to superannuation splitting. She further claimed the funds were held in trust by the male respondent's solicitors who would not release the funds in the absence of a court order, which precipitated the female applicant's PPP500 application. The male respondent sought an order that the application be dismissed on the basis that it is out of time and that each party retain their own superannuation entitlements.

The parties resolved their matter in part by consent in the registrar-led limb and in part by consent in the judge-led limb. A conciliation conference was held and interim orders were made in relation to the filing of documents, and the orders by consent in the judicial limb provided for the transfer of the proceeds of sale to go to the female applicant net of the costs associated with the administration of the transfer from the solicitors' trust account, and for each party to retain their superannuation interests and for a superannuation split to occur whereby the base amount of under \$20,000 to be allocated to the female applicant out of the superannuation interests of the male respondent.

This case study illustrates the benefit to disadvantaged parties with the primary care of the children of having access to a legal process to resolve disputes over small property pools where resolution was unlikely in the absence of a court order. The resolution ensured that much needed access to the modest funds was enabled for the female applicant and the financial relationship between the parties was finalised. Concerningly, despite the engagement of the registrar with the parties in the registrar-led limb, the matter did not resolve by consent until the parties transitioned to the judge-led limb some 10 months after proceedings were issued, underscoring the importance of a dispute resolution option involving access to a judicial decision-maker when required.

## Case study 6.6: Matter 2 of cases progressing from the registrar-led limb to the judge-led limb (State 1)

### Key events

- Female party made initiating application
- Two children under 18 years residing majority time with female applicant, 1%-34% time with male respondent
- Female applicant privately represented; male respondent self-represented
- Four months in the PPP500 Pilot program
- Family violence perpetrated by male party. Female party and children listed as protected persons on current personal protection order
- Part consent registrar-led limb and part consent judge-led limb
- Final orders identified an asset pool in the \$400,000-\$450,000 range with liabilities in the range of \$300,000-\$349,000
- The outcome provided for the female applicant to retain the former family home, refinance the mortgage in her own name and retain her superannuation and other assets in her possession. The male respondent retained a sum in the range of \$0-\$49,000, being his superannuation fund, and retained responsibility for substantial debts in his name.

Proceedings in this matter were again initiated by the female applicant with the matter resolving on a final basis with orders made by consent after four months in the early phase of the PPP500 program progressing from the registrar-led limb to the judge-led limb. Previous interim orders made in September and October 2020.

The female applicant and respondent male were both aged in the 30-39 age bracket and while the female applicant was privately represented, the male respondent was unrepresented. The female applicant was not in the workforce, reported health needs and was in receipt of social security benefits and the male respondent was unemployed, looking for work and in receipt of job seeker payments.

Prior to their separation, the parties had been married for period of seven years and cohabited for 15 years. There were two children of the relationship aged in the 8-12 years and 3-7 years age brackets respectively. The children resided with the female applicant for a majority of the time (66%-99%) and with the male respondent 1%-34% of the time.

The asset pool comprised the former matrimonial home valued in the \$400,000-\$450,000 range with disputed liabilities in the range of \$300,000-\$349,000 and two motor vehicles of modest values. The parties noted nominal personal and household chattels and modest superannuation holdings of under \$10,000 for the female applicant and under \$30,000 for the male respondent. In addition to the mortgage, the female applicant nominated personal loans of under \$20,000 and the male respondent nominated loans in the \$100,000-\$149,000 bracket.

The female applicant nominated financial contributions by way of income from paid employment, government benefits and a lump sum payment during the relationship and the male respondent also nominated financial contributions by way of employment during the relationship. Both parties claimed to make non-financial contributions nominating homemaker and parenting contributions.

The female applicant made claims about family violence as an additional factor for consideration in the property settlement, indicating that the family violence perpetrated by the male respondent was intended to damage property and to cause financial detriment to the applicant. The female applicant also claimed that the male respondent had provided limited access to joint financial resources during the relationship. The existence of current safety concerns and allegations of family violence were also raised against the male respondent in the PPP500 proceedings, including threats of harm against the female applicant, and evidence presented included a current personal protection order with the children included in the protected persons named in the order. The personal protection order limited contact by telephone/electronic means, and restrained family violence and intentional damage to property and prevented the publication of material about the protected persons.

The female applicant was not in receipt of child support or spousal maintenance from the male respondent. The female applicant sought orders providing for the former matrimonial home to be transferred into her name, a superannuation splitting order to equalise the parties' entitlements and

for the respondent to pay her a sum deemed by the court to be just and equitable. She also sought an adjustment to account for the failure to pay child support and for her contributions made in the context of experiencing family violence. No specific orders were sought by the male respondent.

The parties resolved their matter in part by consent in the registrar-led limb and by consent in part in the judge-led limb. The final orders made identified the asset pool in the sum of \$400,000-\$449,000 bracket with liabilities in the range of \$300,000-\$349,000. The orders provided for the female applicant to retain the former family home and to refinance the mortgage in her own name and retain her superannuation and other assets in her possession and for the male respondent to retain \$0-\$49,000 of the assets being his superannuation fund and to retain responsibility for the debts in his name, the precise scope of which remained in dispute.

This case study illustrates the accessibility to timely, cost-effective, court-based outcomes in the PPP500 program, including in access to the judge-led limb, with this being particularly significant for parties who have experienced family violence and continue to identify safety concerns. More specifically, the orders ultimately made by consent in this matter enabled the female applicant with care of the parties' children to retain the former family home and for the financial relationship between the parties to be severed. The orders enabled improved financial wellbeing on the part of the party with the primary care of the children without fear of the repercussions that may have arisen in the absence of orders making provision for the female party to be indemnified against the male respondent's debt.

Source: Evaluation of the PPP500 – Court File Data

## Case study 6.7: Matter 3 of cases progressing from the registrar-led limb to the judge-led limb (State 3)

### Key events

- Female party made initiating application
- Three children under 18 years residing 53%-65% with female applicant and 35%-47% with male respondent
- Male party receives child support and spousal maintenance from female applicant
- Both parties privately represented
- No allegations of family violence
- Less than six months in the PPP500 Pilot program
- Consent orders made in judge-led limb for female applicant to retain 60% of the asset pool as sought, real property to be sold and proceeds applied to clear mortgage
- Orders resolved matter whereby female applicant had been assuming responsibility for loans in her name related to property retained by the male respondent.

The female applicant and male respondent in this case study were both in the 30-39 year age bracket and employed on a full-time basis. Both were privately represented for their PPP500 proceedings.

The parties had been in a de facto relationship for just under 19 years, with two children in the 13-17 years age bracket and one child in the 3-7 years age bracket. The children resided with the female applicant between 53%-65% of the time and 35%-47% with the male respondent, with the parties exercising shared parental responsibility.

The female applicant's income was in the \$104,000-\$155,999 per annum wage bracket and had superannuation in the range of \$150,000-\$199,000. The male respondent's income was in the \$91,000-\$103,999 wage bracket and he received child support from the female applicant in the sum of approximately \$500 per week, together with spousal maintenance and held superannuation in the sum of under \$20,000.

Since separation, the female applicant had purchased a property with a nominated value in the \$100,000-\$149,000 range and the male respondent had purchased a property to the sum of approximately \$480,000. Both parties nominated financial contributions made by way of income from employment throughout the duration of the relationship and the male respondent nominated

real property in the range of \$200,000-\$249,000 and a motor vehicle contributed at the outset of the relationship. Both parties claimed to make non-financial contributions nominating homemaker and parenting contributions and no claims were made by either party in relation to family violence.

The precise asset pool was unclear but the parties had a failed business and as a result of the male respondent's poor credit rating, the parties' debts were all in the female applicant's name. The female applicant claimed that the male respondent had retained various assets that were subject to loans in the female applicant's name; however, he had failed to assume responsibility for the loan repayments associated with these assets.

Each party sought orders permitting them to retain 60% of the net asset pool valued in the range of \$150,000-\$199,000.

After less than six months in the PPP500 list, the matter was resolved by consent orders made in the judge-led limb providing for the female applicant to retain 60% of the asset pool as sought with the real property to be sold and the proceeds applied to clear the associated mortgage.

This case study illustrates the PPP500 Pilot providing greater access to simple and quick property settlement outcomes in small pool property matters where it would be uneconomic to pursue standard litigation. The decision arising from the PPP500 process supported improved financial wellbeing on the part of the female applicant who had been assuming responsibility for loans that were in her name but were related to property that had been retained by the male respondent.

Source: Evaluation of the PPP500 – Court File Data

## Case study 6.8: Matter 4 of cases progressing from the registrar-led limb to the judge-led limb (State 3)

### Key events

- Female party made initiating application
- One child under 18 years residing 66%-99% with female applicant and sole parental responsibility
- Both parties privately represented
- No allegations of family violence
- Approximately six months in the PPP500 Pilot program
- Part consent registrar-led limb and part consent judge-led limb
- Final orders provided for the female applicant to receive approximately 80% of the modest net asset pool upon the sale of the former family home and discharge mortgage. Each party retained their superannuation, motor vehicles and personal effects.

Proceedings in this matter were initiated by the female applicant and both she and the male respondent in this case study were in the 30-39 age bracket. Both parties were employed on a full-time basis and were privately represented for their PPP500 proceedings.

The parties had been in a de facto relationship for a period of 10 years with the child of the relationship aged in the 8-12 years age bracket residing primarily with the female applicant (66%-99%) who had sole parental responsibility for the child.

The female applicant's income was in the \$65,000-\$75,999 per annum wage bracket and the male respondent's income was in the \$104,000-\$155,999 income bracket. The parties identified the former family home as the primary asset valued in the range of \$350,000-\$399,000, and there were two modestly valued motor vehicles, together with bank funds and household chattels and personal effects each valued under \$10,000. The female applicant's superannuation was estimated in the \$0-\$49,000 range and the male respondent's superannuation was valued in the \$100,000-\$149,000 range. The parties held credit card debt and a personal loan under \$20,000, in addition to the mortgage secured by the family home of a disputed sum in the approximate \$200,000-\$250,000 range.

Both parties nominated financial contributions made by way of income from employment throughout the duration of the relationship and the female applicant nominated real property that she had contributed at

the outset of the relationship, the value of which was unclear. Both parties claimed to make non-financial contributions nominating homemaker and parenting contributions and no claims were made by either party in relation to family violence.

The female applicant sought orders permitting her to retain 70% of the net asset pool following the sale of the former family home and that each party retain their superannuation entitlements. The male respondent sought 60% of the net asset pool following the sale of the former family home and for each party to retain their superannuation also.

Some issues were resolved by agreement at the conciliation conference before the matter progressed to the judge-led limb. The matter ultimately resolved by consent with the female applicant receiving approximately 80% of the modest net asset pool upon the sale of the former family home and discharge of the relevant mortgage and with each party retaining their superannuation entitlements and their motor vehicles and personal effects.

As with previous case studies, this matter resolved within approximately six months of initiating proceedings in the PPP500 Pilot. The case is illustrative of circumstances where the court is able to facilitate greater access to simple and quick property settlement outcomes in matters involving modest assets. Furthermore, pursuing standard litigation would not have been viable for the applicant having regard to her income and primary care for the parties' child. Cases of this nature are indicative of the way in which the PPP500 Pilot can provide parties with an opportunity to finalise their property and financial arrangements in a timely way so that parties may end their financial relationship and move on with their lives with improved financial arrangements than prevailed at the time their proceedings commenced.

Source: Evaluation of the PPP500 – Court File Data

## Case study 6.9: Snapshots – Experiences of the registrar-led limb and judge-led limb

There were a range of views about the interaction between the registrar-led limb and the judge-led limb. The following registrars/judicial officers outlined transitions from the registrar-led limb to the judge-led limb in their jurisdictions. These registrars/judicial officers, quoted below, indicate that where a matter is required to transition to the judge-led limb, the registrar and judicial officer play important roles in facilitating the timely engagement of the judicial officer:

### Female registrar/judicial officer, State 2

*So, if the matter goes to conciliation and doesn't resolve, then it would come back to – to the judicial registrar, or the registrar who had the carriage of the – the prior mentions of the matter, before it went to conciliation. And then the registrar would refer it – would attempt again to try to narrow the issues and work out, you know, how far apart the parties are. And if it was clear that the matter needed a hearing, then we would liaise directly, um, with judges' chambers, and the matter would be listed for – before judge, usually for mention, where judge would make directions for the filing of any further material that might be required for a hearing as soon as possible.*

### Female registrar/judicial officer, State 3

*There's the aspect of the pilot which ... there is a pathway where they can go to an early ... they can opt for a sort of final hearing, a ... less formal process for the final hearing for a trial. And I think that will be really useful in terms of the small asset pool ... but the parties have to opt in.*

### Male registrar/judicial officer, State 2

*So, when the matter was referred to [the] list, it would be given a date. On that date, it would be highlighted as a PPP500. On that occasion, we'd talk about the issues again [and] ... attempt to, you know, give some thoughts about the parties' positions, give them an opportunity to engage with [ADR] ... In real terms, get a feel for the parties, and decide on that day if they weren't going to settle, what date they're going to have a trial, and generally it was within a month or two ... Disclosure would have been done as best as it could or there was someone just not providing disclosure, it didn't matter at that stage. There was a balance sheet. Everything was ready to go, eventually. My approach was, 'If you can't settle for that, you're going to get a trial in a month or two'.*

Some lawyers were unsure about or reflected negatively on the transition to the judge-led limb, illustrated in the following quotes.

Some lawyers described the transition to the judge-led limb as being similar to the mainstream litigation experience:

#### Female lawyer – State 4

*I think we're waiting for hearing dates I think over eight weeks, it's gone back waiting for a mention, and then moving along so it doesn't seem to be getting any priority as opposed to any other matter. I'm not sure if it's meant to be [this way].*

#### Female lawyer – State 1

*... if it hadn't reached agreement at the registrar stage then it would have gone on to the judge and I think the issue then because the registrar said that it wasn't going to have a final hearing date for 12 to 18 months is what then happens in between. Because it's such a long time between that conference stage and the final hearing stage, what then happens? Do parties just sit around twiddling their thumbs waiting for this final hearing and then by the time it gets to that they're going to have to provide disclosure again, make sure it's all updated ... if it didn't get sorted, that's a huge period of time where I really don't think that much will be happening, so it's kind of like streamlined for that initial period to the conference but then after that, it just goes back to the usual wait periods.*

#### Female lawyer – State 2

*I have one where it didn't, it didn't resolve at the conciliation conference and basically the matter then comes out of the Triple P500 and just goes back to a judge list ...*

This lawyer (and other lawyers) was of the view that matters that did not resolve in the Registrar-led limb, were removed from the PPP500 Pilot program:

*So, it just gets removed from Triple P500 and put into the regular, on to a docket of one of the judges, yes. Well, those cases just get set for a trial. I've had two. In both instances the person ran out of money. And they couldn't – we got a trial date, but they couldn't fund the trial.*

*INTERVIEWER: And so what happens then?*

*INTERVIEWEE: Well, we just get off the record and we don't see them.*

Another lawyer also spoke of the difficulties associated with transitioning through the PPP500 Pilot program where a client had limited funds for their legal representation and an intractable approach to the resolution of their post-separation property/financial arrangements with their former partner:

#### Male lawyer – State 2

*When it progressed beyond that [the Registrar-led limb], I had to step out of the matter. One, because the person I was representing had difficulty with ongoing fees on a private basis ... but then secondly, there was also an issue of perhaps an inability to comprehend information and advice as to what would likely occur. So, what happened with that is we went to a, we were in the discrete list. We went to a private mediation; we were unable to resolve the mediation – at the mediation and then we returned – we explored the prospects of arbitration. This person reneged on the arbitration and the matter was then consequently transferred to the next available judge, following which I then had to step out ... so that would have to be ten months ago. So, the matter from my understanding is unresolved. But I think that could be primarily as a result of one person's misunderstanding of the system and what's likely to happen. And unwillingness to resolve in an amicable or you know, in a cooperative, commercial way.*

This lawyer also described more specifically the process that occurred in the transition from the registrar-led limb to the judge-led limb:

*... when I appeared before the registrar on that matter and informed the registrar of what would need to happen, the registrar made specific orders on listing the matter before the next available judge for in essence what would happen in a case management hearing. But requiring all parties to have filed submissions as to the orders they seek as to the evidence they rely upon and the case law they would rely upon. So in essence what I would have thought would have happened if I needed to (indistinct), the*

*judge can see that and say, 'Right I'm going to now list this for a final hearing at the next available date' as opposed to saying, 'I'll make orders for you to you know, everyone to file evidence-in-chief, supporting affidavits, we'll come for another hearing and then we'll go to a final hearing'. I think what would have happened there is the judge would've been well aware of the issues and would've gone forward with a final hearing, but all know that there is a level of delay in final hearings in property matters at the moment.*

This lawyer also spoke more generally about the importance of parties having access to a judicial determination where that is required, particularly in circumstances characterised by domestic violence or an inequality of bargaining power for other reasons:

*... if there is a family that has issues of family or domestic violence or there is an inequality of bargaining power, that matter would tend to lead to the mainstream process, purely because a party might be seeking orders for litigation but be more potentially to remain in the household and the other person to leave just to even out the bargaining power. But it would afford a party, a victim, to – some peace of mind and financial stability whilst the dispute continues. The registrar lacks various powers that a judge ordinarily has to make orders on a contested basis that has significant, I guess detriment to another party.*

After outlining the factual circumstances characterising her client's case, another lawyer described the challenges of transitioning from the closely case-managed approach in the registrar-led limb to the judge-led limb:

### Female lawyer – State 1

*... our client had ... owned a company prior to the commencement of the relationship, got into a relationship with this – with the other party, um, the – this particular relationship was characterised by a whole – a whole lot of family violence during the course of the relationship post-separation. The other party ended up in, um, prison for breaching an intervention order and a whole lot of things, there were a lot of issues with the other party wasting assets and by virtue of the fact that, um, the parties' asset pool possibly at one stage would have been over 500 – over the cap, but at the time of separation due to a whole variety of factors it wasn't. Um, and, yeah, I had to deal with a situation where the respondent to the proceedings was incarcerated for most of the time ... we had issues with enforcement as well, um, the other party consented to orders for the sale of a property but then wouldn't sign documents, wouldn't provide instructions ... and [we] were successful in obtaining some costs orders against the respondent for his failure to do what needed to be done, and what he in fact had consented to do.*

*For the period of time we were being managed through the PPP500 lists and we had Registrar [Name], but then for some reason the matter was then listed before a judge. And the judge didn't really have the background of the matter. And, um, I think then the judge ordered a second conciliation conference and then wanted it back before him. So it just ended up being a whole lot of extra dates that we weren't expecting and I guess the disadvantage of that was the increased legal costs, um, but that was an administrative issue at the court's end that it got caught up in this interstate judge's call-over list ... 'Cause it wasn't really sort of explained. It was just, 'Here's a listing date' sort of situation ... It then got caught up, I think, in the, um, call-overs. And the matter took just over 18 months ... I feel the registrar's limb, there was a bit more sort of – sort of case management approach ... Whereas the judge – the judge-led list that we were in it was just like, 'Okay, you haven't sorted it out. Why haven't you?', you know, 'Go and – go and sort it out. This is what's gonna happen'. There wasn't really much focus on the particular set of circumstances. And again that might not always be necessary ... the way it was handled in the registrar-led list was much more – was much more helpful, the registrar seemed to have engaged more with the material that had been filed, had a bit of an understanding as to what the issues were, um, obviously part of our job as advocates as well is to – to get that across, but it does help if, um, the person dealing with the matter does sort of take – you know, has taken the time to consider the documents.*

**Source:** Evaluation of PPP500 – Qualitative interviews with Professionals

## Case studies reaching conclusion in the mainstream judicial list

In this final part of the section, the case studies are comprised of small pool property matters reaching final resolution in the mainstream judicial list. The four matters are drawn from the PPP500 court file sample and from the non-PPP500 comparative court file sample, again drawing on the court documents in these matters (including initiating application and response to application; financial statements; affidavit material where available; evidentiary material including family violence orders; court orders). For the PPP500 matters that resolved by judicial determination, these matters resolved in the mainstream judicial list as at the conclusion of data collection, there were no matters where parties had agreed to use the short-form PPP500 judicial determination process.

### Case study 6.10: Matter 1 of cases reaching conclusion in the mainstream judicial list (State 3)

#### Key events

- Female party made initiating application
- Three children under 18 years of age who reside primarily with the female applicant. She also has sole parental responsibility (time as agreed with male respondent)
- Female applicant privately represented; male respondent unrepresented
- Allegations of family violence and child abuse against male respondent
- Approximately seven months from commencement to orders
- Male respondent did not make financial disclosure
- Resolved by judicial determination on an undefended basis in the mainstream judicial list
- Final order granted 65% share of the net asset pool to the female applicant; male respondent to retain the former family home, refinance and pay the female applicant funds in the \$200,000-\$249,000 bracket; costs order in favour of the female applicant; and provision for the sheriff to obtain vacant possession of the family home within seven days of any default by the respondent in relation to payment to the female applicant.

Proceedings in this matter were initiated by the female applicant in the PPP500 and were resolved by judicial determination on an undefended basis in the mainstream judicial list some seven months after commencement.

The female applicant in this case study was in the 50-59 years age bracket and the male respondent was aged in the 60-69 years age bracket, with the female applicant employed part-time and privately represented and the male respondent unemployed and unrepresented in the proceedings.

The parties had been married and had lived together 27 years. Three children of the relationship aged in the 13-17 years age bracket resided primarily with the female applicant (and time as agreed with the male respondent) who had sole parental responsibility, with the male respondent's substance abuse identified as the reason for the sole parental responsibility order.

The female applicant's income from all sources was in the \$52,000-\$64,999 per annum wage bracket comprising wages and social security benefits and child support. The net asset pool was valued in the \$350,000-\$399,000 category with the former family home as the primary asset valued in the \$450,000-\$499,000 bracket, with modest values allocated to the motor vehicle, household chattels and personal effects valued at under \$20,000. The female applicant's superannuation was estimated at under \$10,000 and the male respondent's superannuation was valued at \$50,000-\$99,000. The parties' mortgage was nominated in the \$50,000-\$99,000 range and the female applicant also nominated credit card debt under \$10,000. It is noted that the male respondent did not make financial disclosure and filed no documentation in the proceedings.

The female applicant nominated financial contributions made by way of income from employment for periods during the relationship, together a lump sum of approximately \$100,000, and non-financial contributions including homemaker and parenting contributions. The female applicant also nominated additional considerations including a physical illness, injury or disability that affected her ability to work

and noted that the male respondent had engaged in wastage during the relationship. The female applicant also claimed that the respondent refused to contribute to the home duties and child care, even when the applicant was hospitalised, which had required the applicant's relatives to assume these duties on her behalf. The applicant further claimed that when the applicant relocated from the former family home, the male respondent did not meet the mortgage repayments resulting in mortgage arrears.

The applicant also raised claims of family violence against the male respondent, including physically harming her and the children, threats to harm her and the children, damage to property, restricting access to the parties' funds, and preventing her from contacting her family, which in turn impacted upon her health. The female applicant also included claims of child abuse and safety concerns against the male respondent.

The female applicant sought orders permitting her to retain 65% of the net asset pool with the respondent retaining the former family home, refinancing the mortgage and making payment to her in the the range of \$200,000-\$249,000, with the female applicant seeking funds in the range of \$0-\$49,000 from the male respondent's superannuation entitlement and that each party retain their superannuation entitlements. A costs order was also sought by the female applicant.

The matter was determined by a judicial officer on an undefended basis with the net asset pool determined to be in the range of \$400,000-\$449,000 and net assets granted to the applicant that represented a 65% share of the net asset pool, with the male respondent to retain the former family home, refinance and pay the female applicant a sum in the range of \$200,000-\$249,000. A costs order was also made in favour of the female applicant. The orders also made provision for the sheriff to obtain vacant possession of the family home within seven days of any default by the respondent in relation to the payment to the female applicant.

This case illustrates the significance of a pathway to progress from the PPP500 Pilot to a judicial determination where required, in these circumstances where there had been no engagement in the proceedings by the male respondent and in circumstances characterised by family violence and financial hardship. The orders made supported the improvement of the financial wellbeing of the female applicant and her dependent children. This is because, in addition to receiving the cash payment, the orders enabled the female applicant to have her name removed from the mortgage of the property in which she was not living in circumstances where that mortgage was in arrears. The orders not only determined the post-separation property arrangements in circumstances where the male respondent was not prepared to participate but also supported the female applicant to end the financial relationship with her former spouse.

Source: Evaluation of the PPP500 – Court File Data

## Case study 6.11: Matter 2 of cases reaching conclusion in the mainstream judicial list (State 2)

### Key events

- Female party made initiating application, privately represented
- Male respondent did not file any documentation (including financial disclosure) or attend any court events and was unrepresented
- De facto relationship of approximately 25 years, no children of the relationship
- Allegations of family violence against male respondent
- Approximately 11 months from commencement to orders
- Resolved by judicial determination on an undefended basis in the mainstream judicial list
- Final orders consistent with female applicant's position permitting her to retain 50% of the net asset pool, proceeds of sale from former family home shared equally with mortgage cleared and each party to retain their superannuation entitlements

In this matter, proceedings were initiated in the PPP500 by the female applicant and were resolved by judicial determination on an undefended basis in the mainstream judicial list some 11 months after commencement.

The female applicant in this case study was in the 70-79 years age bracket in receipt of the pension for aged persons and was privately represented. The male respondent did not file any documentation or attend any court events and was unrepresented in the proceedings.

The parties had been in a de facto relationship for a period of approximately 25 years with no children of the relationship.

The net asset pool was valued at approximately \$150,000-\$199,000 with the former family home valued in the \$250,000-\$299,000 with a mortgage in the range of \$50,000-\$99,000, and with the applicant's car, the funds in the parties' bank account and the household chattels and personal effects as well as superannuation together amounting to a value in the \$0-\$49,000 bracket. As noted, the male respondent did not make financial disclosure as no documentation was filed by the male respondent.

The female applicant nominated financial contributions made by way of income from employment for periods during the relationship and non-financial contributions including homemaker contributions. The female applicant included claims in relation to family violence and safety concerns against the male respondent and a personal protection order was on the court file.

The female applicant sought orders permitting her to retain 50% of the net asset pool and that the former family home be sold, the mortgage cleared, and the proceeds of sale shared equally and for each party to retain their superannuation entitlements.

Following progression through the registrar-led limb, orders were made by judicial determination on an undefended basis, despite interim orders requiring the male respondent to attend court. The final orders made were in the terms sought by the female applicant.

Again, this case illustrates the significance of a court-based program that enables vulnerable parties to have access to judicial decisions where required, particularly in circumstances where the responding party would not engage in negotiations or the proceedings to resolve the post-separation property division, while remaining in the former family home. The orders made supported the female applicant to experience improved financial wellbeing in her older age by providing her with access to funds that could be applied to securing ongoing accommodation, and enabling her to remove her name from the mortgage and to end the financial relationship with her former spouse.

Source: Evaluation of the PPP500 - Court File Data

## Case study 6.12: Matter 3 of cases reaching conclusion in the mainstream judicial list (State 4)

### Key events

- Proceedings were initiated by the male applicant prior to the PPP500 Pilot
- Male applicant and female respondent both privately represented
- One child under 18 years old, living with female respondent and time as agreed with male applicant
- Allegations of family violence against male respondent, particularly financial abuse
- Approximately seven months from commencement to orders
- Resolved by judicial determination in the mainstream judicial list
- Final orders provided for the male applicant to retain 46% of the asset pool and for the female respondent to receive 54% of the asset pool

In this matter, proceedings were initiated prior to the introduction of the PPP500 Pilot by the male applicant and were resolved by judicial determination in the mainstream judicial list approximately seven months after proceedings had been commenced by the applicant.

The male applicant in this case study was in the 30-39 years age bracket, employed on a casual basis and privately represented for these proceedings. The female respondent was also in the 30-39 years age bracket, was employed on a full-time basis and represented in the proceedings.

The parties had been married and living together for 16 years with one child of the relationship aged 13-17 years who lived with the female respondent, having time with the male applicant as agreed. These parenting orders had been privately agreed between the parties and parental responsibility was shared.

The male applicant's income was in the \$52,000-\$64,999 income category and the female respondent's was in the \$65,000-\$77,999 income category. The parties were in dispute about the net asset pool primarily comprising the former family home and a second property, with the male applicant claiming that the former family home was valued at the value of the parties' liabilities; however, the male applicant and female respondent each nominated superannuation in the \$50,000-\$99,000 bracket with minimal bank account funds and personal effects.

Both the male applicant and female respondent nominated financial contributions made by way of income from employment, together with non-financial contributions including homemaker and caregiving contributions during the relationship. The male applicant also nominated financial contributions by way of a property owned prior to the relationship in the bracket of \$300,000-\$349,000. The female respondent claimed, and the male applicant acknowledged, that he had engaged in wastage during the relationship by committing insurance fraud. The female respondent also nominated claims of family violence including financially controlling behaviour and denying information and access to joint funds on the part of the male applicant.

The male applicant sought orders to retain 50% of the net asset pool and that the former family home be sold, the mortgage discharged and the proceeds of sale shared equally, and for each party to retain their own superannuation entitlements. The female respondent sought 65% of the net asset pool and that the parties otherwise retain the assets and liabilities in their own names.

The orders made provided for the male applicant to retain 46% of the asset pool and for the female respondent to receive 54% of the asset pool.

Although the timing of the proceedings was not protracted, the factual circumstances in this matter were such that they may have resolved their matter more quickly had they had an opportunity to access the registrar-led limb. In this limb, the case management and engagement by the registrar may have supported the parties to narrow their differences and potentially resolve their dispute without progressing to judicial determination.

Source: Evaluation of the PPP500 – Court File Data

### Case study 6.13: Matter 4 of cases reaching conclusion in the mainstream judicial list (State 3)

#### Key events

- Female party made initiating application prior to the PPP500 Pilot, no registrar-led limb
- Previous parenting proceedings for two years
- Both parties privately represented
- One child under 18 years of age residing only with the female applicant. She also has sole parental responsibility. No in-person time with male respondent
- Allegations of family violence against male respondent, including physical harm to child and financial control. Male respondent made counter family violence allegations against female applicant
- Approximately three years duration to judicial determination
- Final orders were for the former family home to be sold, female applicant to receive a payment in the \$100,000-\$149,00 bracket and the male respondent to receive an amount in the \$200,000-\$249,000 bracket (including superannuation), with a superannuation splitting order for the female applicant to receive under \$30,000.

In this matter, proceedings were initiated by the female applicant prior to the inception of the PPP500 Pilot and were approximately three years in duration, with prior proceedings in relation to parenting matters of a further two years in duration.

The female applicant and male respondent in this case study were both in the 50-59 years age bracket, employed on a full-time basis and privately represented for these proceedings.

The parties had been married and living together for eight years with one child of the relationship aged 13-17 years who lived with the female applicant, having no in-person time with the male respondent and with the applicant having parental responsibility.

The female applicant's income was in the \$26,000-\$33,799 income category and the male respondent's was in the \$65,000-\$77,999 income category. The parties were in dispute about the net asset pool primarily comprising a mortgaged former family home, household chattels, a motor vehicle and personal effects, minimal bank account funds, modest superannuation on the part of the female applicant but superannuation in the \$150,000-\$199,000 bracket for the male respondent. Additional liabilities included credit card debt and a personal loan.

Both the male applicant and female respondent nominated financial contributions made by way of income from employment, together with non-financial contributions including homemaker and caregiving contributions during the relationship. The female applicant and male respondent each nominated financial contributions by way of a property owned prior to the relationship each with values in the \$100,000-\$149,000.

The female applicant also nominated claims of family violence that had affected her and the child's health, that he had damaged property, sought to prevent her contact with family and friends, both threatened to and physically harmed her and the child, and that she had current safety concerns, in addition to financially controlling behaviour and restricting information and access to joint funds on the part of the male respondent. The male respondent also made claims in relation to family violence against the applicant, including claims that the family violence affected the child as an additional factor for consideration and argued that both parties had access to financial resources and information about the parties' financial matters.

The female applicant sought orders to retain 80% of the net asset pool, that the former family home be sold, the mortgage discharged and the proceeds of sale divided on the basis of 80% to her and 20% to the male respondent and that the parties' superannuation entitlements be divided equally between them. The male respondent sought 45% of the net asset pool and for the former family home to be sold and the net proceeds divided 45% in his favour and 55% in the female applicant's favour and for the superannuation entitlements to be shared equally.

The orders made provided for the former family home to be sold and from the net proceeds, and having regard to the other assets, the female applicant was to receive a payment in the \$100,000-\$149,000 bracket and the male respondent to receive an amount in the \$200,000-\$249,000 bracket (including superannuation), with a superannuation splitting order for the female applicant to receive under \$30,000.

The costs and delays associated with these property/financial proceedings of approximately three years in duration, particularly for parties of such modest means, suggest that access to the registrar-led limb with the potential to access a judicial decision if required would have provided commercial benefits to the parties, supporting better financial disclosure at an earlier stage and avoiding the dissipation of the parties' small property pool.

**Source:** Evaluation of the PPP500 – Court File Data

## Summary

This section has presented a range of case studies to provide qualitative insights into the implementation of the PPP500 Pilot and the outcomes experienced by parties, as well as contrasting cases studies from matters that only experienced mainstream judicial processes. The data were drawn from parties who participated in in-depth interviews, interviews with professionals, and cases surveyed as part of the court file component of this evaluation.

The experiences of interviewees and parties of cases proceeding from the registrar-led limb to the judge-led limb drawn from court file data show how the PPP500 Pilot program was able to support resolution of property matters by consent, with all or some of the disputed issues resolved at the registrar-led stage. These case studies also showed how the matters tended to be resolved in a shorter time frame or with less complex legal processes at the registrar-led stage from the perspective of interview participants and some professionals.

The trajectory of individual cases in these case studies was shown to be impacted by the degree of cooperation between parties and engagement from respondent parties in the registrar-led stage. In turn, this necessitated a transition to the judge-led limb for matters not fully resolved at the registrar-led limb. Some professionals described the transition to the judge-led limb as being similar to the mainstream litigation experience. Nevertheless, the case studies that concluded in the judge-led limb, along with the reflections from professionals' experiences, underscore the importance of parties having access to a judicial determination where that is required. This was particularly acute in circumstances characterised by domestic violence or an inequality of bargaining power for other reasons. The contrasting case studies from cases commencing prior to the introduction of the PPP500 program show how parties can experience greater costs and delays associated with property/financial proceedings without access to a registrar-led process.

## 7 Social return on investment analysis

This section presents the findings of a social return on investment (SROI) analysis of the PPP500. The aim of this analysis is to determine the economic and social benefits to parties participating in the PPP500, especially vulnerable parties, and whether the PPP500 Pilot represents an effective use of Commonwealth resources. This analysis assesses the operation of the PPP500. A SROI methodology was identified as the leading methodology for evaluating social value because of its ability to capture the value of social benefits for all stakeholders involved. In this section, the data sources and methodology will be outlined, after which the SROI will be presented together with a discussion of the limitations and conclusions.

### Data sources

After extensive consultations with the commissioning agency, court personnel and other relevant stakeholders, optimal data sources were identified, having regard to the evaluation research questions, time frame and budget. The aim was to collect data to identify and evidence both inputs and outcomes of the activities of the PPP500. These data sources included:

- administrative data extracted from the Court's CaseTrack administrative system
- data from court files collected by the evaluation research team (PPP500 files:  $n = 417$ ; non-PPP500 comparison files:  $n = 364$ ; Melbourne, Parramatta, Brisbane, Adelaide)
- qualitative interviews with parties ( $n = 4$ ) and professionals ( $n = 33$ ) and case studies
- the Longitudinal Study of Separated Families (LSSF) Wave 3 (2012).

The analyses of the administrative data, court file data, qualitative interviews and case studies are described in the preceding sections of this report. It is worth noting that for the SROI evaluation, Year 1 and Year 2 PPP500 data were pooled rather than calculating each year's costs and benefits. The rationale for this approach was that many matters that commenced in Year 1 were finalised in Year 2 of the PPP500 Pilot. In these circumstances, it is not possible to disaggregate the costs and benefits into year one and year two.

As noted in section 4, the samples for the PPP500 and non-PPP500 comparison files were drawn from a list of eligible court files provided by the Federal Circuit and Family Court of Australia that met the sampling eligibility criteria. The PPP500 files include all files that were finalised in the PPP500 program between March 2020 and November 2020 across the four pilot registries. The non-PPP500 comparison sample was drawn from financial matters that entailed net assets valued up to \$500,000 and that were resolved in the same court locations between 1 July 2018, and 30 June 2020. A proportionate sample was randomly selected from the list of financial matters resolved in the designated period in each of the four court locations.

### Longitudinal Study of Separated Families (LSSF)

The SROI used data from a representative sample of separated parents as a comparison for some elements of the analysis. The Longitudinal Study of Separated Families (LSSF) involved a national, longitudinal study of parents who had at least one child under 19 years of age, who separated after the 2006 family law reforms to the *Family Law Act 1975* (Cth) (FLA), and who were registered with the Department of Human Services—Child Support. Data collection for the LSSF was conducted by AIFS with some 10,000 separated parents and took place in 2008 (Wave 1), 2009 (Wave 2) and 2012 (Wave 3). The LSSF is a comprehensive dataset that supports the examination of the dynamics of separated families in Australia and is best suited for this evaluation as the characteristics of the respondents of the LSSF survey are similar to the characteristics of the parties in our evaluation. Wave 3 of the LSSF (see Qu et al., 2014 for further details) was used to estimate impacts of unresolved post-separation property/financial arrangements on general life satisfaction and working hours. It is important to note that the LSSF data on whether post-separation property and financial matters had been resolved applied to the general separating population and were not specific to matters involving property

litigation as were the PPP500 program and comparison matters. Furthermore, the focus of the LSSF was on separated parents with children. This means that couples with no children or older couples whose children had already grown up were not included in LSSF. Thus, the findings in this section should be considered in this context.

## Methodology

A social return on investment is a framework for measuring the extent, intensity and value of outcomes resulting from an intervention such as a project, program or policy. It uses monetary values to represent these impacts and allows for a direct comparison between the amount of money spent on the PPP500 Pilot and the social and economic returns on this investment.

The SROI analysis of the PPP500 Pilot covered all people and/or organisations that were impacted by the pilot. Therefore, the impacts measured are not limited only to the parties participating, but also include the impacts on the professionals involved in implementing the program, the Federal Circuit and Family Court of Australia, the Australian Government, and society as a whole. Due to the limitation of data, it was not possible to monetise certain aspects of outcomes. The limitation of this study will be discussed in 'Other outcomes' in Stage 2.

This analysis is evaluative; that is, conducted retrospectively based on actual outcomes that have taken place as part of the pilot, and has been undertaken in accordance with the seven principles of SROI (The SROI Network, 2012), which are:

1. **Involve stakeholders:** Determine inputs and outcomes and how they are measured and valued by involving the people or organisations that experience change as a result of the activity.
2. **Understand what changes:** Articulate how change is created and evaluate this through evidence gathered, recognising positive and negative changes as well as those that are intended and unintended.
3. **Value the things that matter:** Financial proxies should be used to recognise the value of outcomes that do not have a market price.
4. **Only include what is material:** This principle requires an assessment of whether a person would make a different decision about the activity if a particular piece of information were excluded, so that stakeholders can draw reasonable conclusions about impact.
5. **Do not over-claim:** Only claim the value of changes caused by the activity, as opposed to other factors, and take account of what would have happened anyway.
6. **Be transparent:** Each decision relating to stakeholders, outcomes, indicators and benchmarks; the sources and methods of information collection; the different scenarios considered and the communication of the results to stakeholders, should be explained and documented.
7. **Verify the result:** An independent review to assist stakeholders in assessing whether the decisions made in conducting the analysis were reasonable.

This SROI analysis is set out in the following stages: 1) establishing the scope; 2) mapping the outcomes; 3) valuing outcomes; 4) establishing impacts; and 5) calculating the SROI.

## Limitations of SROI

Although SROI analyses are recommended internationally for evaluating social value, the methodology does have some key limitations. While comparisons of SROI ratios within the same organisation, over time, may be useful for tracking progress, SROI does not lend itself well to cross-organisational comparison, particularly when the impacts evaluated, methods used, and judgements made, have not been identical (Arvidson, Lyon, McKay, & Moro, 2010). Further, it can often be difficult to accurately monetise all outcomes and to understand what would have happened in the counterfactual situation, where the activity being evaluated did not exist. This can make the analysis sensitive to the assumptions made. To mitigate this issue, sensitivity analysis was undertaken.

# Social Return on Investment

## 1. Establishing scope

The scope of this SROI analysis was determined according to the evaluation framework, the program logic and the findings based on the administrative data, court file data and qualitative data, including in-depth interviews and case studies undertaken for this evaluation of the PPP500. The SROI literature in the legal aid and family law field was reviewed to inform the methodology (Florida Bar Foundation, 2016; Hammond & Vermeulen, 2017; PWC 2009; Productivity Commission, 2014).

The scope of the analysis covers the period from the start of the PPP500 Pilot (1 January 2020) to 12 months from the end of the PPP500 Pilot. While it is acknowledged that many of the impacts identified by the SROI will extend beyond this period, estimates of the value of longer-term impacts of the PPP500 will not be possible without further research. However, the SROI method often depends on what is feasible to measure, and future outcomes are not feasible to measure in this evaluation.

The evaluation of the PPP500 conducted by AIFS identified the main stakeholders as:

- parties participating in the PPP500 Pilot
- parties' family members, friends and community members that have benefited from them accessing the PPP500 Pilot
- the Australian Government funding the PPP500 Pilot
- practitioners (lawyers, registrars, and judicial officers) implementing the PPP500
- courts exercising family law jurisdiction
- other government departments providing services to separating families that benefit from the PPP500 Pilot (including in relation to social security, housing and women's safety).

## Estimating the counterfactual

In SROI analyses, the effect of an activity (in this case the implementation of the PPP500 Pilot) is compared to the counterfactual scenario where that activity did not occur. The counterfactual is an estimate of what would have happened in the absence of the program. It is essential to compare 'like for like'. Without the counterfactual, it is not possible to know whether the PPP500 Pilot participants would have achieved their outcomes in the absence of the program or not. The program might have attracted certain groups of people. If that is the case, the evaluation may overestimate or underestimate its impact. For example, if the program had attracted relatively wealthy people who had more scope to afford legal fees, they might have achieved similar outcomes in the absence of the program.

Each outcome is measured by comparing the monetised value of the program outcome to that of the counterfactual scenario. The sample of non-PPP500 matters was identified as the available and suitable counterfactual scenario having regard to their similarity to matters in the PPP500 Pilot. The non-PPP500 matters were randomly sampled from the matters that were finalised before the implementation of PPP500 Pilot (see court file data in Section 4 of this report). The PPP500 is a pilot program with limited scale, and although a guide for practitioners and a Practice Direction were released for the PPP500 program, it was not advertised or promoted heavily to the general community. On this basis, it is assumed that many PPP500 participants, particularly self-represented participants, were unlikely to be aware of the PPP500 Pilot prior to making their application through the standard application process.

Nevertheless, having regard to the available data for matters referred to the PPP500 from the complementary Lawyer-assisted Property Mediation – Legal Aid Commission Trial (LAC Trial) (including by application to the court following participation in the LAC Trial without resolution), together with qualitative data relating to the PPP500 and LAC Trial, it is expected that some parties accessing the PPP500 would not have accessed a court-based resolution had the PPP500 not existed. However, it was assumed that the number of such matters is small and that a majority of PPP500 parties would have sought some form of formal resolution even if the program had not existed. Consequently, the SROI is comparing 'like for like'. The comparison of demographic characteristics between the two samples also confirms the similarities between the PPP500 and non-PPP500 groups (see Table 16 and Table 17 above). Estimates of the outcomes of PPP500 Pilot participants in the counterfactual scenario where the PPP500 did not exist are based on data from the court file component of the evaluation.

## 2. Impact mapping

The Impact Map describes the relationship between inputs, outputs and outcomes for all stakeholders involved in the PPP500, based on the findings drawn from the administrative, court file and qualitative data, including the cost and benefit data collected to inform the evaluation.

### Inputs

As part of the administrative data component, the Federal Circuit and Family Court Australia provided data relating to the costs associated with allocating registrars and support staff to the PPP500 Pilot program, together with other associated costs of implementing the program (office space, workstations, allocated court rooms). The details of annual costs of the program are shown in Table 48. Personnel costs include salary, superannuation, long service leave, human resources, information communication technology and organisational services costs. Based on these data, the cost to the court for the two-year program is estimated at \$4.878 million, noting that costs relating to judicial officers were not available. To account for the data collection period (21 months), the costs for this period were considered as a proportion of the costs nominated for the two-year period to estimate the costs of running the program for 21 months as \$4.268 million. This was considered as a proportion of the costs over 24 months.

**Table 48:** Annual program costs

Item	Note	\$
Personnel costs		
Registrars	\$209,636 x 6 registrars	\$1,257,816.00
Support staff	\$127,324 x 6 supporting staff	\$763,944.00
Other costs		
Office		\$90,000.00
Workstations		\$16,000.00
Mediation suites		\$311,112.74
<b>Total costs (per year)</b>		<b>\$2,438,872.74</b>

### Outputs

The PPP500 Pilot offers a new court-based model for resolving small value property matters accommodating both registrar-led resolutions and judge-led resolutions. Due to the simpler and timely dispute resolution process, it was anticipated that the pilot would be able to facilitate the resolution of an increased number of property matters. Based on the administrative and court file data 1,245 applications were allocated to the PPP500 Pilot, with 879 matters resolved in the 21-month evaluation period. PPP500 matters in the court file sample had a shorter duration compared to small pool property matters in the non-PPP500 comparison sample. Where non-PPP500 matters were finalised in an equivalent 21 months, their average duration from commencement to finalisation was 28.4 weeks compared to an average of 21.2 weeks for PPP500 matters. Therefore, the PPP500 Pilot process was shorter by 7.2 weeks.

### Outcomes

In SROI analyses, outcomes are measured against the hypothetical counterfactual scenario anticipating what would have occurred had an activity (in this case the implementation of the PPP500 Pilot) not been undertaken. The following outcomes were considered: 1) cost savings for the court; 2) cost savings by way of parties' legal fees; 3) increased financial benefits (improvement in asset split outcomes); 4) prevention of further loss of income due to reduced labour; 5) increased non-financial benefits (improvement in wellbeing); and 6) other outcomes (e.g. the impacts on parties' children, family and friends and the impacts on practitioners). The methods for calculating the value of each of these outcomes are provided in Table 49.

### 3. Valuing the outcomes

In the previous section, the potential outcomes were identified. Based on the potential outcomes identified, a monetary value is assigned to each outcome. Table 49 summarises the valuation of outcomes.

**Table 49:** Valuation of outcomes

Court outcomes	Calculation	Outcome Value
Estimated cost saving for court	<p><b>Estimated cost of court action per finalised family law matter:</b> \$5,847 (PWC, 2018; price adjusted)</p> <p><b>Total court cost of counterfactual scenario:</b> \$5,847 x 879 finalised matters = \$5.140 million</p> <p>Estimated total cost of PPP500: \$4.268 million (FCFCoA)</p> <p><b>Estimated total benefits = \$5.140 million - \$4.268 million = \$872,000</b></p>	\$872,000
Party outcomes		
Estimated cost saving in legal fees	<p><b>Estimated legal fees incurred prior to judicial determination</b></p> <p>1) Initiating or opposing an application up to the completion of the first court date: \$2,678 (including \$321 of daily hearing fee for a short mention).</p> <p>2) Initiating or opposing an application that includes interim orders (other than procedural orders) up to the completion of the first court date: \$3,268 (including \$321 of daily hearing fee for a short mention)</p> <p>3) Initiating or opposing an application for interlocutory orders (including an interim hearing) that is not otherwise described in item 1 or 2: \$2,285 (including \$321 of daily hearing fee for a short mention)</p> <p>4) Procedural or summary hearing—as a discrete event: \$4,321 (including \$2,357 of daily hearing fee for a full day hearing)</p> <p><b>Estimated total \$14,516</b></p> <p><b>Estimated legal fees incurred for proceedings to judicial determination</b></p> <p>1) Preparation for final hearing—1 day matter: \$7,379 (including \$2,357 of daily hearing fee for a full day hearing)</p> <p>2) Attendance at hearing to take judgment and explain orders: \$2,678 (including \$2,357 of daily hearing fee for a full day hearing)</p> <p><b>Estimated total \$10,057</b></p> <p>Source: <a href="http://www.fcfcOA.gov.au/fl/pubs/legal-costs">www.fcfcOA.gov.au/fl/pubs/legal-costs</a></p> <p><b>Estimated cost savings in legal fees</b></p> <p>Compared to non-PPP500 matters, the proportion of self-represented applicants and respondents were 3 percentage points and 6 percentage points higher in PPP500 respectively. In 879 finalised matters, we estimated 78.7 applicants and respondents saved legal fees because of the program. The estimated cost saving in legal fees before judicial determination is therefore estimated:</p> <p>\$14,516 x 78.7 = \$1.142 million</p> <p>From the court files, 6% of matters proceeded to full judicial determination. At the time of final hearing, the proportion of self-represented applicants were 0.8 percentage points higher in PPP500 than non-PPP500 counterparts. However, for the respondents, the self-representation rate was 2 percentage points lower in PPP500 than in non-PPP500. Thus, we estimated 0.66 individual (less than one person) had to pay for extra legal fees in final judicial determination.</p> <p>\$10,057 x -0.67 = - \$6,758</p> <p>The estimated net benefits in cost saving in legal fees are estimated as:</p> <p><b>Estimated total benefits = \$1.142 million - \$6,758 = 1.135 million</b></p>	\$1,135,000
Increased financial benefits (improvement in asset split outcome)	Comparison between PPP500 court file data and non-PPP500 court file data indicated that there were no statistical differences in their asset split outcomes.	\$0

Table continued over page →

	Calculation	Outcome Value
Prevention of loss of income due to reduced labour	Decrease in working hours due to property and possessions not resolved: 2.6 hours (regression analysis; LSSF) Median weekly hourly earnings: \$36 (ABS, 2021) Duration of finalisation in non-PPP500 matters: 28.4 weeks Duration of finalisation in PPP500 matters: 21.2 weeks Difference in duration: 7.2 weeks <b>Estimated total benefits = 2.6 hours x \$36 x 7.2 weeks x 2 parties x 879 finalised matters = \$1.202 million</b> (based on analysis by AIFS; LSSF, ABS)	\$1,202,000
Increased non-financial benefits from legal proceedings (improvements in wellbeing)	Decline in general life satisfaction for property and possessions not resolved: -0.27 points (regression analysis; LSSF) Annual income compensation required: \$55,338 Average weekly compensation: \$1,064 per week Duration of finalisation in non-PPP500 matters: 28.4 weeks Duration of finalisation in PPP500 matters: 21.2 weeks Difference in duration: 7.2 weeks <b>Total benefits = \$1,064 x 7.2 weeks x 2 parties x 879 finalised matters = \$13.470 million</b> (based on analysis by AIFS; LSSF)	\$13,470,000
<b>Other outcomes</b>		
Economic and social benefits to their friends, children, and other family members	The pilot might have impacted wellbeing of parties' children, family members and friends. Furthermore, there might have been financial/non-financial transfers from their family members and/or friends to the parties. However, due to the unavailability of data, we were unable to monetise the outcomes.	N/A
Prevention of future legal disputes in property matters	The legal settlement means that the pilot had avoided the future legal dispute and the anxiety and stress arising from the dispute. However, due to the unavailability of data, we were unable to monetise the outcomes.	N/A
Cost savings in alternative child care arrangement	An early resolution might have saved the cost for child care due to the shorter duration to resolve the matter. However, such costs are not considered in this evaluation as we do not have appropriate data to quantify the impacts.	N/A
Benefits to practitioners (mental health)	Simpler and faster process of PPP500 might have help improve wellbeing of practitioners. Due to the unavailability of data, we were unable to monetise the outcomes.	N/A
Income gain/loss for legal professionals	An earlier resolution means that lawyers who represent parties could gain or lose their income. We could not appropriately assess such impacts because of a lack of information.	N/A
Cost saving in social security system	Early resolution can help parties to move on with their life with financial certainty. PPP500 might have prevented parties' reliance on the social security system (unemployment benefits, housing support etc). However, we did not have enough information to quantify the impacts.	N/A

## Court outcomes

### Cost savings for the court

Due to complexity of family law matters and diversity in parties' circumstances, it is difficult to precisely estimate the costs associated with finalising non-PPP500 matters. PWC (2018) estimated the cost to finalisation in family law matters as \$5,500 per matter. After price adjustment, this is equivalent to \$5,847 in 2021 (CPI December 2018 = 114.1; CPI December 2021 = 121.3;  $(121.3/114.1) \times \$5500 = \$5,847$ ; ABS, 2022). This estimated cost included expenditure on employees and judicial officers, property, court operations, security, travel and other associated court costs. It is worth noting that the cost is not specific to property-only family law matters.

On this basis, it was assumed that all 879 finalised PPP500 matters would have costed \$5,847 if the program had not existed. The total cost of finalisation for the counterfactual scenario was therefore estimated as \$5.140 million whereas the total cost of PPP500 for 21 months was \$4.268 million.

Because of the simpler and faster process, some might have expected that the PPP500 Pilot might have prevented cases from proceeding to full judicial determination and therefore might have saved the cost of judicial resolution in these matters. However, from the court file data, it was estimated that 7.5% of non-PPP500 matters proceeded to full judicial determination whereas 5.9% of PPP500 matters proceeded to full determination. It was

found that there was no statistically significant difference in full judicial determination between the two groups. This means that PPP500 did not reduce the number of cases that proceed to full judicial determination.

Thus, in total, the PPP500 Pilot was estimated to have saved \$872,000 in court costs.

## Party outcomes

### Cost savings in legal fees

As PPP500 cases and non-PPP500 cases are similar, both incur similar court fees. However, in the registrar-led limb of the PPP500, as the court can provide additional support and case management to assist the parties to resolve their post-separation property and financial arrangements by consent, parties may be more likely to self-represent in the PPP500 Pilot process. The court file data indicate that compared to non-PPP500 matters, the proportions of self-represented applicants and respondents were 3.15 percentage points and 5.8 percentage points higher in PPP500 matters, respectively. It was assumed that the differences were the impacts of the PPP500 Pilot on self-representation. In 879 finalised matters, it was estimated that 78.7 applicants and respondents saved costs that would have been incurred by retaining a lawyer because of the simplified process and registrar facilitated program ( $879 \times 0.0315 + 879 \times 0.0580 = 78.7$ ).

The costs that may be incurred by parties to proceedings have been estimated based on the Division 2, the scale of costs in Schedule 1 to the *Federal Circuit and Family Court of Australia (Division 2) (Family Law) Rules 2021*. The following items were for matters resolving prior to judicial determination (see Table A.9 in Appendix 3 for the full list):

1. initiating or opposing an application up to the completion of the first court date: \$2,678 (including \$321 of daily hearing fee for a short mention)
2. initiating or opposing an application that includes interim orders (other than procedural orders) up to the completion of the first court date: \$3,268 (including \$321 of daily hearing fee for a short mention)
3. initiating or opposing an application for interlocutory orders (including an interim hearing) that is not otherwise described in item 1 or 2: \$2,285 (including \$321 of daily hearing fee for a short mention)
4. procedural or summary hearing – as a discrete event: \$4,321 (including \$2,357 of daily hearing fee for a full day hearing).

An assumption was made that, on average, a party would make one application for interim orders.

On this basis, the total cost of legal fees before proceeding to judicial determination was estimated as \$14,516.

The following legal fees for matters reaching judicial determination were also included:

1. preparation for final hearing – one day matter: \$7,379 (including \$2,357 of daily hearing fee for a full day hearing)
2. attendance at hearing to take judgment and explain orders: \$2,678 (including \$2,357 of daily hearing fee for a full day hearing)

An assumption was made that all matters proceeding to judicial determination were one day matters, noting that this is likely an underestimate of costs for matters proceeding to judicial determination.

On this basis, the total cost of legal fees in judicial determination was estimated as incurring an additional \$10,057.

As discussed above, 78.7 applicants and respondents were estimated to have saved their legal fees because of the program. The cost saving in legal fees before judicial determination is therefore estimated:

$$\$14,516 \times 78.7 = \$1.142 \text{ million.}$$

From the court files, it was identified that 5.87% of PPP500 matters proceeded to full judicial determination. At the time of final hearing, the proportion of self-represented applicants was 0.84 percentage points higher in PPP500 than non-PPP500 matters. However, for the respondents, the self-representation rate was 2.15 percentage points lower in PPP500 than in non-PPP500 matters. Thus, it was estimated that 0.66 individuals (less than one person) had to pay for extra legal fees in final judicial determination in PPP500 ( $879 \times 0.0587 \times 0.0084 + 879 \times 0.0587 \times (-0.0215) = 0.67$ ).

$$\$10,057 \times -0.67 = -\$6,758$$

The net benefits in cost saving in legal fees were estimated as:

$$\text{Total benefits} = \$1.142 \text{ million} - \$6,758 = 1.135 \text{ million}$$

It is important to acknowledge that the estimated benefits of saving legal fees are more likely to be an underestimate. The base items on the scale of costs have been selected and these costs are not applied by all lawyers in private practice. Moreover, due to the limitations of the data, we did not account for legal fees incurred in additional court events and documents prepared in the course of the legal proceedings.

### Increased financial benefits (improvement in asset split outcomes)

The PPP500 might have improved financial gain in the asset split outcome for some parties. However, in general, a favourable financial outcome for one party may be a less favourable outcome for the other. When calculating social benefits, one party's benefits may cancel out the other's benefits. There may be potential to estimate the benefits from the specific party's perspective (e.g. applicants or female parties) as the pilot is a part of the Women's Economic Security Package (WESP). However, the court file data illustrates that, on average, there was no statistical difference in the asset split outcome between PPP500 matters and non-PPP500 matters. Therefore, the value of improvement in the asset split outcome was calculated as \$0.

### Prevention in further labour income loss

Engaging in legal proceedings has the potential to reduce parties' capacity to undertake income earning activities. Participating in negotiations, undertaking preparation of court documentation or participating in court proceedings, travelling to and attending court are all activities that can reduce a party's availability to undertake paid employment. This is particularly so in relation to attendances at court during business hours. Based on the LSSF data, the impact of engaging in property proceedings in relation to unresolved post-separation property and financial arrangements on hours available for gainful employment is estimated. The working hours were regressed on a binary variable of whether property and financial arrangements had been resolved, age, gender, education, marital status, whether a party was born in Australia, number of children, and participants' reports of their experience of family violence by the former partner. The sample is confined to those who had the total real asset under \$500,000 to be comparable with the PPP500 Pilot evaluation sample. Our calculations suggest that, on average, people who had separated from their partner lost 2.6 working hours per week where their post-separation property and financial arrangements had not been resolved (see Table A.10 in Appendix 3). The Australian Bureau of Statistics (2021) reported the median hourly earnings as \$36. As the PPP500 Pilot shortened the duration of finalised matters by 7.2 weeks on average, it was estimated that the PPP500 Pilot prevented loss of labour income in the sum of approximately \$684 for each party. Therefore, the total benefits of preventing labour income loss are estimated as \$1.2 million (\$684 x 2 parties x 879 finalised cases).

### Improvement in wellbeing

The resolution of parties' post-separation property and financial arrangements, together with the formal documentation of the end of the financial relationship in court orders that are obtained through a quicker and simpler process, has been identified in the qualitative data as reducing the stress of parties and professionals. This is particularly so in circumstances characterised by family violence or other complex risk issues, including where perpetrators may continue to use legal proceedings to coerce and control their former spouse or partner (see Kaspiew et al. 2015; Kaspiew et al. 2022; Lynch, 2022). In order to monetise the value of faster relief from such stress and anxiety, the following method was applied. The LSSF contains information on the personal wellbeing index (PWI; International Wellbeing Group, 2013). The general life satisfaction item was used that asked: 'thinking about your own life and personal circumstances, how satisfied are you with your life as a whole?'. Using the LSSF, the general life satisfaction (GLS) score (0-10 scale) was regressed on a binary variable of whether property and possessions had been sorted, income, age, gender, education, employment status, marital status, number of children, participants' reports of their experience of domestic violence by the former partner, and health status. The sample was confined to those who had the total real asset under \$500,000 to match the target group. The mean GLS score in the matching LSSF sample was 7.61 and the standard deviation was 1.82. Applying this approach indicated that there was a 0.27-point decline in GLS where post-separation property and financial arrangements had not been resolved (see Table A.11, Appendix 3). When calculating the income that would be required to compensate for the 0.27-point loss in GLS from the estimated parameters of annual income variables in the same equation, it was estimated that an annual income of \$55,338 would be required to compensate the GLS loss. In other words, by resolving post-separation property and financial arrangements, improvement in general life satisfaction which is worth \$55,338 can be gained. For the pre-PPP500 sample, the finalisation took 28.4 weeks on average for non-PPP500 cases, whereas the average number of weeks taken for finalisation for PPP500 was 21.2 weeks. The difference in the duration of cases was estimated as 7.2 weeks. It was assumed that \$1,064 per week (\$55,338/52 weeks) was required to compensate the stress of property

and possessions not being resolved and therefore each party benefited from a shorter case duration by \$7,662 (\$15,325 for two parties). The total benefit of a shorter duration was thus estimated as \$13.470 million (\$15,325 x 879 finalised cases).

## Other outcomes

Additional outcomes were considered but in the absence of robust data these outcomes could not be included in the SROI analyses.

## Economic and social benefits to parties' children, other family members and friends

It is expected that the benefits of participating in the PPP500 Pilot are likely to have had a positive impact on the wellbeing of parties' children, family members and friends. Additionally, a faster resolution means that parties' family members and friends could end financial and non-financial supports to the parties earlier. For example, family members and friends might have made financial transfers to pay or lend legal fees and/or living expenses. They also might have provided non-financial assistance to the parties providing accommodation or assisting with parties' care responsibilities. These outcomes were omitted from the evaluation due to the unavailability of data.

## Prevention of future legal disputes in property matters

Assumed benefits for parties participating in the PPP500 Pilot include improvement in their financial wellbeing, and stability arising from the resolution of their post-separation property and financial arrangement. Additional benefits include formally documenting the end of the financial relationship with their former partner in court orders as a means of avoiding further proceedings. Resolving matters at an earlier timepoint in the litigation process, with formal court orders as a record of the post-separation property and financial settlement on a final basis, suggests that the PPP500 Pilot had reduced engagement in initial legal proceedings and protected parties against re-litigation and therefore avoided further legal cost, and the anxiety and stress arising from engaging in legal proceedings. However, in the absence of robust data, these outcomes could not be monetised.

## Cost savings in alternative child care arrangements

Engaging in legal proceedings is a time-consuming and resource intensive process. It has the potential to reduce parties' capacity to undertake child care responsibilities. Some parties might have had to seek alternative child care arrangements while engaging in legal proceedings. An early resolution thus might have saved the cost for child care due to the shorter duration to resolve the matter. However, such costs are not considered in this SROI analysis as appropriate data to quantify the impacts are not available.

## Benefits to practitioners (mental health)

Simpler and quicker resolutions pursuant to the PPP500 Pilot process are expected to have contributed to the improvement of practitioner (lawyers and court personnel) wellbeing. Protracted legal proceedings are expected to impact on practitioners' as well as parties' wellbeing; however, due to the lack of available data on this issue this outcome could not be monetised.

## Income gain/loss for legal professionals

An earlier resolution means that lawyers who represent parties could gain or lose their income. Some may lose income because of the faster process. However, others may gain income as they could process more matters. As sufficient information is not available on how legal professionals financially fared during the pilot period, it is not possible to appropriately assess such impacts.

## Cost savings to the social security system

Earlier resolution of post-separation property and financial matters is also expected to support parties to move on with their lives with increased financial certainty and independence. Having regard to the court file data relating to the duration of PPP500 Pilot matters, it is expected that earlier resolutions prevented or reduced parties' reliance on the social security system (i.e. unemployment benefits, housing support, etc.). However, it was not possible to precisely quantify these benefits.

## 4. Establishing impact

Consistent with SROI methodology, to establish the exact impact of the PPP500 Pilot, technical adjustments are necessary to ensure credibility and avoid over-claiming.

### Technical adjustments

As the extent and value of the impacts of the pilot were determined, technical adjustments were made according to the SROI principles:

- **Deadweight loss:** Adjustments for the percentage of parties who would have had access to cost-effective resolutions if the pilot was not available to them (e.g. to account for benefits of legal support or other cost-effective resolution avenues that would have been achieved if the party had not been part of the pilot). Deadweight measures the value of all outcomes that would have happened even if the pilot had not taken place. As discussed above, there was no adjustment for deadweight loss as the dead weights are already taken into consideration by using the appropriate control group (the non-PPP500 matters as the counterfactual).
- **Attribution:** Adjustment of the value of benefits to account for any costs other than those covered by the pilot. Attribution measures how much of the outcome was caused by the contribution of the pilot, as opposed to other factors. For example, the legal advice received by parties in the pilot may be received in conjunction with other influences, such as other not for profit organisations, other legal professionals, families and friends. Therefore, to attribute all the outcomes of legal fee savings as a result of the pilot would be an overclaim of the outcomes. The LSSF asked separated parents the reason why they went to the most recent services and what services they used. Using the information, it was estimated that 9% of separated parents who used services to resolve property matters used services other than lawyers, court, or legal services. It is therefore assumed that 91% of the outcomes of saving in legal fees are attributed to the pilot.
- **Optimism bias:** Adjustments to account for overestimates of benefits or underestimates of costs. These adjustments need to be made based on the sources of information for which each outcome value is derived, the strength of the evidence base and the age of the data used (e.g. the Optimism Grading Guidance for Costs and Benefits<sup>16</sup>). The costs are provided by the court and a 0% optimism bias was applied. The best available evidence has been used to measure the value of outcomes. Sensitivity analyses were conducted to address optimism bias in the outcomes.

## 5. Calculating the SROI

### SROI ratio

For the inputs, the total cost of running the program for 21 months was \$4.268 million. Table 50 presents the total outcomes from the PPP500 Pilot. The SROI ratio can be calculated as a ratio of the sum of the value of all the outcome impacts (\$16.577 million) and the value of the sum of all the input impacts (\$4.268 million). Given that the Year 1 and Year 2 outputs were pooled and the effects were all assumed to be short term, no projecting into the future or discounting was required.

The SROI ratio is 3.88. This ratio indicates that every dollar invested into the PPP500 Pilot yields \$3.88 in social value. Of the social value generated, 95% was for parties and 5% was generated as cost savings (for the court). The biggest contribution to the total social values was attributed to increased non-financial benefits from legal proceedings (improvements in wellbeing). It consisted of 81% of the total social values.

As the SROI ratio is greater than one, the PPP500 Pilot is considered to be an initiative that is beneficial to society as the social value generated for stakeholders is more than is invested in it.

<sup>16</sup> Manchester New Economy. 2014. *Supporting public service transformation: cost benefit analysis guidance for local partnerships*. London: HM Treasury.

**Table 50:** Values of outcomes and their contribution to the total value

Outcome	Value (\$'000)	%
Cost saving in court	\$872	5%
Cost saving in legal fees (adjusted for attribution)	\$1,033	6%
Increased financial benefits from legal proceedings	\$0	0%
Prevention of further labour income loss	\$1,202	7%
Increased non-financial benefits from legal proceedings (improvements in wellbeing)	\$13,470	81%
<b>Total</b>	<b>\$16,577</b>	<b>100%</b>

## Sensitivity analysis

Sensitivity analysis was conducted to test the sensitivity of the SROI to parameters and assumptions made in the analysis, as shown in Table 51. All parameters that were likely to change the SROI ratio were varied to their reasonable extremes.

**Table 51:** Sensitivity analysis

Outcomes	Assumption	Lower range	Upper range	Lower SROI ratio	Upper SROI ratio
Cost saving in court	Program costs are more expensive	25%	75%	2.91	1.79
Cost saving in legal fees	Legal fees are more expensive	25%	75%	3.94	4.07
Labour income loss	95% confidence interval of the coefficient	-4.99	-0.28	4.14	3.63
Life satisfaction improvement	95% confidence interval of the coefficient	-0.52	-0.03	6.49	1.28

## Cost savings for the court

Although the detailed program cost data were provided by FCFCoA, it is expected that there will be some costs that could not be accounted for such as overtime undertaken by court personnel and additional administrative costs. Therefore, for the sensitivity analysis, hypothetical cases were examined where the program costs were more expensive ranging from 25% to 75%.

## Cost savings in legal fees

As discussed above, it is expected that legal fees incurred are more likely to be higher than the estimates based on the scale of fees included in the SROI calculations. Thus, the re-calculated legal fees were based on two scenarios: 1) the legal fees were 25% more expensive than the benchmark estimate and 2) the legal fees were 75% more expensive than the benchmark estimate. It is important to note that although PPP500 parties were more likely to be self-represented before final judicial determination than non-PPP500 parties, PPP500 respondents were more likely to be represented in a final judicial determination. Therefore, as discussed above, PPP500 parties who proceeded to a final judicial determination gained negative benefits. The higher estimate of legal fees indicates greater benefits for the PPP500 matters resolved before final judicial determination, but greater loss for the matters that proceeded to a final judicial determination.

## Labour income loss

To test robustness of the SROI estimates, the 95% confidence interval of the coefficient of a binary variable of whether separated parents had sorted their property and possessions. The 95% confidence interval means that a range of values that we can be 95% certain contains the true mean of the population. The lower bound was estimated at -4.99 and the upper bound was estimated at -0.28.

## Life satisfaction improvement

Similar to the sensitivity analysis on labour income loss, the 95% confidence interval of the coefficient (a binary variable of whether separated parents had sorted their property and possession) was used. The lower bound was estimated at -0.52 and the upper bound was estimated at -0.03. These sensitivity analyses on life satisfaction are particularly important as the largest component of benefits comes from improvement in wellbeing (81%; \$13.470 million).

In all variations of assumptions and estimates, the SROI ratio remained greater than one ranging from 1.28 to 6.49. A strict assumption was imposed whereby the impact on general life satisfaction was limited to one-ninth of the benchmark estimate (the lower bound estimate of 95% confidence interval), but the SROI ratio still stands for 1.28.

This suggests that the social value generated for stakeholders of the PPP500 is more than the amount invested by the stakeholders involved. This one-way sensitivity analysis shows that the findings are robust.

## Summary

This study has used SROI methodology to assess the social value of the PPP500 Pilot. A SROI ratio of 3.88 was calculated indicating that for every \$1 invested in the PPP500, \$3.88 of social value was generated for the PPP500 Pilot stakeholders. Most of the social value was generated for the parties (95%). Increased non-financial benefits from legal proceedings (improvements in wellbeing) consisted of 81% of the social value. The SROI ratio was robust to alternative assumptions. The one-way sensitivity analysis showed that the SROI ratio was above 1 under alternative assumptions. These results suggest that it is prudent to fund the PPP500 Pilot when aiming to create social value.

There are a number of limitations to this SROI analysis. In this analysis it was not possible to monetise some key outcomes. Additionally, it is important to acknowledge that due to the limitation of available data, the costs and benefits of non-finalised cases could not be estimated with the potential for this to impact on the analysis. For example, PPP500 Pilot matters that were not finalised at the time of evaluation may have been of longer duration than non-PPP500 matters. If non-finalised PPP500 matters required more time to resolve than non-PPP500 matters, this would affect the calculation of reduced savings with respect to legal fees, improvement in life satisfaction and the reduction or prevention of income loss. It is also important to acknowledge the potential impact of the COVID-19 pandemic on the operation of the PPP500 Pilot, with the potential for COVID-19 restrictions to have affected outcomes of the PPP500 Pilot program. For example, the COVID restrictions may have reduced the number of matters that were able to resolve in the PPP500 and parties may have required further time to resolve their matters by negotiation in the context of the financial uncertainty arising during the pandemic.

## 8 Definition of small value property pool

In considering a definition of small value property matters, the evaluation has examined data from multiple sources, including the PPP500 Pilot matters and a representative sample of property-related matters considered as part of the identification of comparison files for the non-PPP500 sample. In addressing the question of how small value property pools should be defined, consideration has been given to how the small value property pool definition relates to the financial circumstances of average Australian families based on ABS Household Income and Wealth data. Insights from qualitative interviews with professionals have also been analysed for their views on the definition of small property pool values.

Reflecting the median value of net assets from the non-PPP500 comparison sample (\$546,241) and ABS data showing median value of net assets for Australian households of \$579,200, it is recommended that consideration be given to a small value property definition that includes **net assets up to \$550,000 excluding the value of superannuation assets in the calculation of the net property pool**. The quantitative data and views of professionals that inform this proposed definition is described next.

### Value of net assets in a sample of property matters finalised in the 2018/19 and 2019/20 financial years

As Table 26 shows, the average value of net assets (subject to the final orders in the given matter) was \$307,461. Further data that inform the consideration of the small value property pool definition were collected as part of identifying comparison files from the non-PPP500 sample. As CaseTrack did not contain a marker for the value of assets, data collectors manually examined each non-PPP500 file to identify whether a matter was in or out of scope (e.g. that the net asset pool was valued at under \$500,000 and otherwise would have qualified as a PPP500 matter). Data collectors also collected information on the value of assets and liabilities for each party as part of this screening process, therefore enabling net asset values to be determined from a randomly selected sample of financial matters resolved between 1 July 2018 and 30 June 2020 in the four PPP500 Pilot registries.

Table 52 describes the distribution of net assets, across the four court locations for a sample of  $n = 1,520$  property matters finalised within the sampling parameters outlined above. The median net asset value for all property matters in the four pilot locations was **\$546,241**. Noting that these data cover the 2018/19 and 2019/20 financial years, based on these four registries, a small value definition of \$550,000 would capture around one half of all property matters seeking resolution through the courts. This definition would also include 4% of cases with a negative asset pool (ranging from negative \$2 million through to a negative asset pool of around \$900). Further analysis of these data by registry shows that, not unexpectedly, differences in average house values across Australia were reflected in higher median net asset values in Melbourne and Parramatta (\$642,843 and \$618,886 respectively) compared to Adelaide (\$423,458).

**Table 52:** All non-PPP500 files reviewed, 2018/19 and 2019/20 financial years, net asset value by registry

	Adelaide (%)	Brisbane (%)	Melbourne (%)	Parramatta (%)	All non-PPP500 files reviewed (%)
Under \$31,100 including negative asset pools	12.4	6.0	6.9	15.0	10.1
\$31,101–\$175,000	12.9	11.7	8.3	6.6	10.0
\$175,001–\$281,000	12.9	12.2	7.2	7.1	10.0
\$281,001–\$412,000	10.4	12.7	8.9	7.7	10.0
\$412,001–\$545,000	10.4	9.5	11.5	8.5	9.9
\$545,001–\$699,000	9.7	10.7	9.2	10.7	10.1
\$699,001–\$900,600	7.7	11.4	10.1	10.9	10.0
\$900,601–\$1,234,600	8.7	8.2	11.5	12.0	10.0
\$1,234,601–\$1,850,300	6.9	9.7	12.6	11.2	10.0
\$1,850,301 or over	8.2	8.0	13.8	10.4	9.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	420	402	348	366	1,520
<b>Mean value (\$)</b>	<b>674,749</b>	<b>777,945</b>	<b>937,109</b>	<b>928,773</b>	<b>823,275</b>
SD	812,645	980,334	1,037,820	1,512,953	1,112,228
<b>Median value (\$)</b>	<b>423,458</b>	<b>513,381</b>	<b>642,843</b>	<b>618,886</b>	<b>546,241</b>

Later in this section, qualitative data collected from professionals related to the treatment of superannuation holdings in relation to the definition of small value property pools are discussed. To provide some context for this later discussion, an indication of the size of superannuation pools from the court file data collection is also provided here. The PPP500 evaluation data show modest superannuation balances for the PPP500 files and non-PPP500 comparison samples. For applicants, the median value of superannuation based on their own report was \$43,727 in PPP500 files and \$38,088 in non-PPP500 matters. The corresponding values for respondents was slightly higher with a median value of \$55,061 in PPP500 matters and \$61,015 in non-PPP500 files.

## Value of net assets of Australian households in 2019/20

Consideration has also been given to how the proposed small value property pool definition relates to the average value of assets of Australian households through analysis of the ABS Survey of Income and Housing.<sup>17</sup> The latest released data, covering the 2019/20 period, are presented in Table 53 and show that the median (50th percentile) net value of assets was \$579,200. While noting that the population of all Australian households is not the same as families who separate and access court services to resolve their property matter, the median value of net assets for all Australian households is similar to the median value (\$546,241) in property matters that were resolved in the 2018/19 and 2019/20 financial years.

<sup>17</sup> [www.abs.gov.au/statistics/economy/finance/household-income-and-wealth-australia](http://www.abs.gov.au/statistics/economy/finance/household-income-and-wealth-australia)

**Table 53:** ABS, Household net worth, Australia. 2019-20

Value at top of selected percentile	Household net worth (\$)
10 <sup>th</sup>	36,900
20 <sup>th</sup>	113,400
30 <sup>th</sup>	248,300
40 <sup>th</sup>	411,500
<b>50<sup>th</sup></b>	<b>579,200</b>
60 <sup>th</sup>	789,100
70 <sup>th</sup>	1,052,400
80 <sup>th</sup>	1,447,800
90 <sup>th</sup>	2,257,700

Source: ABS, Household Income and Wealth, 2019-20, Table 2.1

In relation to the value of superannuation accounts for all Australians, ABS data indicate that the median value of superannuation for those aged 25-34 years was \$25,000; 35-44 years was \$62,400; 45-54 years was \$118,000; 55-64 years was \$160,000; and for those aged 65-74 years, the median superannuation value was \$200,000.<sup>18</sup>

## Insights from the qualitative interviews

The consideration of the definition of small value property matters has also been informed by interviews with professionals including judicial officers, judicial registrars, registrars involved in administering the registrar-led limb and judge-led limb of the PPP500, as well as lawyers who have represented parties participating in the PPP500 Pilot. The views of professionals in relation to the scope of the small value property pool definition is described next. Two main themes emerged: firstly, the potential to increase the eligibility criteria of \$500,000 to ensure access for clients (including disadvantaged clients) who would benefit from the PPP500 program, and secondly, the treatment of superannuation amounts in the context of the small value property pool definition.

As noted earlier, the vast majority of professional participants ( $n = 30/33$ ) reflected very positively on the PPP500 Pilot as providing low-cost, court facilitated outcomes for parties with small property pools.

## The potential to increase the \$500,000 threshold for small property pools

When asked to reflect on whether the pilot had provided access to low-cost outcomes for parties with small property pools, some professionals noted that the \$500,000 threshold potentially meant some parties that the pilot was aiming to assist could not access the program. For example, a registrar observed:

*Well, yeah some of these families might miss out and they'll still be the same issues, the same vulnerabilities, it's just poor luck that they're separating at a time that the [housing] market is going through the roof. So, you know, what was a \$500,000 eighteen months ago is now a \$650,000 and depending on where they are in life and what their mortgage is, that might put them out of - you know, and I know there's got to be a fine line and it's really harsh when people have got assets of about 600 and you go sorry can't put you in the program but I can see that you need it. It is what it is. (P22, Registrar, Female, State 1)*

A similar theme was noted by this registrar, who discussed how the current threshold of \$500,000 in the context of rising home valuations could mean financially disadvantaged clients who would benefit from access to the program would be excluded under the current eligibility guidelines:

*Some, we're looking at is, lower socio-economic circles of clients primarily. And especially given - I think it's going to be increasingly difficult for those clients because of that rising price in property and of course, it'd include the price - and then it would also include superannuation. So even if I find that many many people*

<sup>18</sup> See Table 12.3, [www.abs.gov.au/statistics/economy/finance/household-income-and-wealth-australia](http://www.abs.gov.au/statistics/economy/finance/household-income-and-wealth-australia)

*are living below the poverty line, that they even fall within the PPP500 criteria because they – because of the property price, especially the last 12 months, and of course the compulsory superannuation sometimes takes them over and so I've – we've got very very poor clients. (P30, Registrar, Female, State 4)*

A lawyer also shared her views on the appropriateness of the \$500,000 small property definition, and the benefits of expanding the PPP500 eligibility threshold:

*So the system as it's, as it's geared up, yeah it, I, I agree that it's gearing up is, is right. The underlying thought process behind designing it is right. I, I still, you know, I'm not convinced, I'm just not convinced that the 500 limit is appropriate. ... it only takes one former matrimonial home or somebody who's worked for, you know, 30 or, you know, 20 or 30 years – or both parties having worked for 20 or 30 years and accrued super – that's all it's gonna take to get us over that, that line. I just think it needs to be expanded a little bit more to take in more people, particularly those people that it's actually aiming to help. (P21, Lawyer, Female, State 3)*

Another registrar also noted the implications for these clients that cannot access the program and the benefits that registrars' active case management in the PPP500 program brings:

*Well they [parties] go into the mainstream and look some – I mean that's part of us and with this idea of the registrars leading these financial issues is that we can put that bit of time into them to say, you know, give them that hard word early on that this is going to be a long and expensive process; you take advantage of everything you've got. (P22, Registrar, Female, State 1)*

## Treatment of superannuation holdings in small property pool definition

The second theme that emerged from the qualitative interviews related to the treatment of superannuation in the context of the small property pool definition. For example:

*... I mean, I definitely think it should have the cap, should go up, or it should be exclusive of superannuation because that is such a, I mean in every case, virtually every single case, superannuation is simply equalised, it's just a, you know, a set of orders that are made. There's no, there's not really much science to it. So I just don't see why, why the net property should be inclusive of super. I think it should be exclusive, and that would open up a way bigger range. (P21, Lawyer, Female, State 3)*

The following registrar held similar views about treating non-superannuation and superannuation assets differently when considering eligibility for the PPP500 program. The quote below encapsulates this view:

*I think you can, if you like, as I call it [treat] non-super assets, and assets differently. It doesn't help the parties because then they can't access their super [for] – another 20 years. And I think perhaps the definition for capping it, and it's a separate cap. So maybe if you look at about at 700 for non-super assets or – or even you wanna say 500 then the non-super asset is 500 and maybe their super asset's another 500. (P30, Registrar, Female, State 4)*

Consideration of the definition of the small property pool definition is also informed by the data from the PPP500 case studies. For example, of particular note, Case Study 5.2, illustrates the benefits of the PPP500 program for parties invited to participate where their net asset pool exceeded the eligibility criteria of a net asset pool of \$500,000 or less.

## Summary

This section has considered data from a representative sample of property related matters finalised in the Federal Circuit and Family Court of Australia, ABS household wealth data, and insights from qualitative interviews with professionals to inform the definition of the value of small property pools.

Considering the median value of net assets from the non-PPP500 comparison sample of property matters finalised between 2018/19 and 2019/20 financial years of \$546,241 and median net value of assets for Australian households of \$579,200, it is recommended that consideration be given to a small value property definition for the further implementation of the PPP500 to including net assets up to \$550,000 and that excludes the valuation of superannuation assets in the calculation of the property pool.

Analysis of the qualitative interviews with professionals identified the potential for the expansion of the eligibility criteria of \$500,000 to ensure access for parties who would benefit from the PPP500 program. In this regard, some professionals noted that in the context of rising house prices and increased superannuation holdings, this could mean that financially disadvantaged and vulnerable clients would be excluded under the current eligibility criteria. Volatility in the real estate market and variations between states and territories are factors that are also indicative of the need to periodically review the definition of small value property matters for an effective implementation of the PPP500 program on an ongoing basis.

## 9 Summary and conclusion

This report presents findings of the Evaluation of the PPP500 Pilot based on:

- administrative data extracted from the FCFCoA's CaseTrack administrative system
- data from court files collected by the evaluation team (PPP500 files:  $n = 417$ ; non-PPP500 comparison files:  $n = 364$ )
- qualitative interviews with parties ( $n = 4$ ) and professionals ( $n = 33$ )
- case studies drawn from each PPP500 Pilot site based on the court file and qualitative interview components
- social return on investment analysis
- consideration of a definition of small value property pools.

### Program impact

The quantitative and qualitative data presented in this report provide substantial insight into the impact of the PPP500 Pilot program.

#### Access to simple, quick and affordable property settlements, including for vulnerable parties

The administrative data show that there has been strong uptake of the PPP500 process although there are variations between registries with PPP500 matters ranging from 12% to 22% of all property applications over the data collection period (Table 2 and Table 3). These variations in part reflect the differences in the average size of the asset pools between the registries' catchment areas and may also reflect the impact of COVID-19 lockdowns, with more extensive lockdown restrictions in Melbourne during the 2020 and 2021 years of the PPP500 Pilot.

In terms of whether there has been any discernible reduction in mainstream court filings in property/financial matters, in 2020, 8,182 applications (property alone and property and children) were lodged with the court and, in 2021, these applications numbered 8,123. This reflects a decrease of approximately 300 applications on each of the three years preceding the PPP500 Pilot. It is difficult to determine whether this reduction is attributable to the pilot, as it is possibly due to the effects of the COVID pandemic. Other possible influences may include the rollout of property mediation in the FRCs and the AMICA program for online dispute resolution implemented by National Legal Aid. However, the Evaluation team is not aware of any publicly available data or evaluation of these measures so any influence is difficult to assess. Also of note, in 2020, 343 matters were allocated to the PPP500 Pilot, compared with 5,245 matters managed in the non-pilot process. In 2021, 789 matters were allocated to the PPP500 Pilot, compared with 5,825 in the non-PPP500 process.

In relation to the question of whether the PPP500 Pilot provided greater access to simple and quick outcomes, the analyses of court file data illustrate that resolution time frames were substantially lower for PPP500 matters compared with non-PPP500 matters. On average, matters in the PPP500 sample were resolved in 5.3 months compared with 7.7 months in the non-PPP500 comparison sample, reflecting a time saving of one-third for the matters in the PPP500 sample (Table 11A). Analysis of the distribution of duration for each file type, also reveals that matters in the PPP500 sample are one-and-a-half times more likely than matters in the non-PPP500 comparison sample to resolve in 1–3 months (28% cf. 18%) and less likely to have a duration of 12 months or more (5% cf. 19%). Analyses accounting for the variation in the time period captured in the PPP500 Pilot sample and the non-PPP500 comparison sample, limiting the focus to cases resolved within a 21-month period, indicate the average duration of non-PPP500 cases was still 7.1 months compared with 5.3 months for PPP500 cases (Table 11B). This difference in duration was also statistically significant and the proportion of cases that resolved after 12 months or more was three times higher for non-PPP500 comparison cases (16%) compared to the corresponding proportion of PPP500 cases (5%).

The data also show that vulnerable parties including those characterised by family violence are accessing quick and affordable property settlement outcomes in PPP500 matters, with a pathway to judicial determination where required. The data show that parties in PPP500 matters are more likely to be self-represented than in other property/financial matters (Table 7 and Table 15) and there were allegations or evidence of family violence in a quarter of Year 1 PPP500 Pilot matters, rising to a 29% for Year 2 files (Table 20). Women were the alleged victim in 19% of Year 1 PPP500 files and 23% of Year 2 PPP500 files (Table 21). In PPP500 files, the most common forms of violence alleged against male perpetrators were threats of harm against family members and threats to damage or destroy property (42%), followed closely by the perpetrator physically harming the children, the other party or themselves (40%). Allegations concerning actions related to preventing knowledge of or access to family money were raised against 18% of male perpetrators in PPP500 files. Forms of violence involving social isolation were raised against 13% of male perpetrators in the PPP500 sample (data not shown). Notably, almost one-quarter of female parties in the Year 2 PPP500 subsample and almost one-fifth in the Year 1 subsample raised arguments linking a history of family violence with an impact on future needs (Table 23).

The qualitative data from both parties and professionals also provide insight into whether parties, including parties who have experienced family violence or who are otherwise experiencing an inequality of bargaining power, have greater access to simple, quick and affordable property settlements. Both parties and professionals reflected positively on the PPP500 process providing access to a low-cost legal process. Some parties and professionals not only described the process as simple and easy to use and the forms manageable, but also reflected that the PPP500 Pilot provided them with an option to resolve their post-separation property arrangements in circumstances where other options had failed or were not available to them due to their limited financial resources. Other parties and professionals considered the process and forms to be challenging, particularly in the absence of legal advice and representation. The qualitative data illustrated the pivotal role played by legal advice and representation in ensuring that the parties experienced the process as simple and easy to follow and were accurately informed and that power imbalances were mitigated. Overall, many professionals indicated that the PPP500 Pilot provided parties with access to a legal process in circumstances where it would not have had been feasible to pursue a property settlement due to the prohibitive costs, delays and stress associated with engaging in the standard litigation process. The accessibility of the PPP500 Pilot is underscored by the administrative data (Tables 6 and 7) and the court file data noted above that showed parties were more likely to access the PPP500 without legal representation as compared to parties in non-PPP500 comparison matters. It is noted that in relation to the court file data, these differences were only statistically significant with respect to respondents, noting that men were more likely to be respondents than women (Tables 15 and 16).

In relation to vulnerable parties in particular, most professionals ( $n = 26/33$ ) suggested that the registrar-led limb of the PPP500 Pilot operated effectively to support vulnerable and disadvantaged parties, including those affected by family violence and who have ongoing safety concerns. Relevant factors included the central role of the registrar in relation to their 'hands-on', case management approach and their knowledge around family violence and identification of inequalities of bargaining power. The 'authoritative' nature of the registrar-led limb of the process was also identified as assisting to reduce the pressure on 'fearful' parties, with this limb also being identified as less intimidating for vulnerable parties than the process of judicial determination. The streamlined process and timely progression of matters in the PPP500 Pilot, together with remote conferencing, were also features of the Pilot identified as supporting vulnerable parties engaged in the litigation process. However, 16 of these professionals also drew attention to aspects of the registrar-led limb that they considered were less effective in supporting vulnerable parties. A small number of participants also reflected on the effective features and the limitations of the judge-led limb in supporting vulnerable parties, including the capacity for judicial officers to respond when parties were engaging in vexatious litigation practices.

## Increase in orders by consent and by judicial determination

When considering whether the PPP500 Pilot supported an increase in orders by consent and judicial determination in small pool property matters, the data from the court files show greater levels of settlement during proceedings for Year 1 PPP500 matters when compared to non-PPP500 matters (Tables 12 and 13). A higher proportion of non-PPP500 comparison matters required judicial determination (10%) compared with 2% of Year 1 PPP500 matters. However, judicial determination was a greater feature of Year 2 PPP500 matters, with 8% of these file types resolving in this manner. The data also show that 93% of Year 1 PPP500 matters resolved in the registrar-led limb of the process. A lower proportion of non-PPP500 comparison files resolved during the process (88% achieving full resolution). The corresponding proportion of 75% was lower again for Year 2 PPP500 files. Together these data also show that a greater proportion of PPP500 matters resolved by consent compared to matters in the non-PPP500 comparison sample.

Variation in how files were resolved was also found according to the registry location (Table 14). Almost nine in ten (89%) PPP500 files in the Melbourne registry were resolved by consent in full in this registrar-led limb compared with between 79%–80% in the other three pilot registries. This was a statistically significant difference. Conversely, 11% of files in the Brisbane registry resolved by full judicial determination in the judge-led limb compared with 2%–4% of PPP500 files in Adelaide, Melbourne and Parramatta registries.

## Processes supporting financial disclosure

The administrative data and interview data each provide insight into the extent to which the PPP500 process supports financial disclosure. As one marker of financial disclosure, the administrative data show that financial summaries or financial statements in PPP500 matters were almost always filed with 99% of applications (Table 4) and 99% of responses (Table 5), with these filings marginally higher than in non-PPP500 matters (97%, Appendix 2)<sup>19</sup>. The court file data also indicate that overall, there is improved disclosure in the PPP500 process as compared to the non-PPP500 comparison process (Table 25). Specifically, the data show that applicants in the Year 2 PPP500 files were more likely to disclose superannuation in their name only than the non-PPP500 comparison applicants to a statistically significant extent (88% cf. 77%). The data also show that Year 1 PPP500 respondents were more likely to disclose superannuation assets in their own names than non-PPP500 comparison respondents to a statistically significant extent (73% cf. 60%).

The qualitative data also provided insight into whether the PPP500 processes supported financial disclosure. Some parties and professionals observed that the financial summary form was simpler and more cost-effective for financially vulnerable parties including those who were self-represented as compared to the financial statement and affidavit in mainstream cases. Nevertheless, the parties interviewed for this evaluation did raise concerns about whether their former partner/spouse had made full and frank financial disclosure. There were also a range of reflections that professionals shared in relation to financial disclosure more generally. Some professionals reflected positively on the processes in the registrar-led limb and the skilled registrars' implementing it as supporting earlier and more comprehensive financial disclosure in these in small pool property matters. Other professionals identified limited difference between mainstream processes and the PPP500 processes on the question of financial disclosure. There were also those professionals who reflected that financial disclosure was less of an issue in PPP500 matters because of the size and lower level of complexity of the PPP500 asset pools, but there were also some professionals that expressed frustration at the challenges where parties failed to make full and frank financial disclosure, including circumstances where judicial involvement may be necessitated. Particular challenges in this regard were identified where parties were self-represented or where parties lacked access to relevant documentation in circumstances characterised by family violence or because they lacked computer literacy or access to technology.

## Asset pool profiles

In terms of asset profiles, the most commonly identified asset was superannuation, with this being identified by 86% of Year 1 PPP500 parties and 88% of Year 2 PPP500 parties although superannuation was less likely (by 10 percentage points) to be identified by non-PPP500 comparison parties (77%) (Table 25). Parties in PPP500 matters were more likely to nominate their homes as assets than non-PPP500 comparison group parties; however, the variations in the financial forms to be completed by the parties may contribute to this difference (Table 24). Overall, the average mean value of net assets was \$297,927 for Year 1 PPP500 files, \$309,251 for Year 2 PPP500 files and \$309,985 for non-PPP500 comparison files (Table 26).

The similar average net asset values of the Year 2 PPP500 and non-PPP500 comparison files may be indicative of greater similarities between these groups as compared to the Year 1 PPP500 and may suggest greater complexity in the asset profiles for these groups. The data also showed that the average value of asset pools was higher for older parties compared to younger parties in both PPP500 and non-PPP500 matters (Table 28) and that parties with children in the Year 2 PPP500 and the non-PPP500 matters had greater average net asset pools than parties with children in the Year 1 PPP500 sample (Table 27). However, caution should be exercised when interpreting these data as it is likely that some parties may have had children but did not disclose this in the proceedings given the higher proportion of parties in the sample without children as compared to the proportion of families without children in the population.

<sup>19</sup> It is noted that absent financial statements and financial summaries may relate to matters where leave was being granted to file an application without a financial statement/financial summary or matters that were requisitioned and the document filed shortly after the initiating application, or they may reflect a data entry issue.

## Outcomes in PPP500 Pilot matters: improvements in financial wellbeing

Qualitative data from the interviews with parties and professionals and from the case studies, together with the social return on investment analysis (see further below) and the quantitative data from the court files, are illustrative of improvements in the financial wellbeing of parties participating in the PPP500 Pilot program. These improvements firstly stem from the parties' access to a simple, quick and affordable process to resolve the post-separation financial arrangements as outlined above, which enables parties to formalise their post-separation arrangements in court orders and to sever the financial relationships, in circumstances where access to a court process would not otherwise have been feasible or cost-effective.

The improvements in financial wellbeing are also evident in the tangible outcomes for parties participating in the PPP500 in a range of categories indicated in the court file data. When considering outcomes in terms of the distribution of net assets, analysis of the court file sample shows that in Year 2 PPP500 files, the mean allocation to the applicant was 51% in the atypical scenario where the male was the applicant and 55% in the typical scenario where the female was the applicant (Table 38). In the non-PPP500 comparison files, the allocation was 45% to the applicant in the atypical scenario and 52% in the typical scenario (Table 38). The findings also demonstrate that in PPP500 matters, male applicants are less likely to receive asset allocations in the lowest range (0%–39%) compared with male applicants in the non-PPP500 comparison sample. However, they also demonstrate that female applicants are more likely than male applicants to receive allocations in this range in PPP500 matters (Table 38). However, overall, the Year 2 PPP500 data suggest that when women were applicants in the PPP500 matters, they were more likely to secure a greater percentage of the net asset pool than female applicants in the non-PPP500 comparison sample, with the average percentage of net assets at 55% in those Year 2 PPP500 matters compared to 52% of female applicants in the non-PPP500 comparison sample (Table 38). When focusing on gender rather than applicant and respondent status, the data show very similar broad patterns apply across the three subsamples, with 54%/46% asset splits in favour of women in the PPP500 and non-PPP500 comparison samples (Table 39).

When considering outcomes in the registrar-led limb as compared to the judge-led limb, it is important to note that the data indicate that women were more likely to receive a higher percentage of the net assets where their matter resolved in the judge-led limb to a statistically significant extent (59% cf. 51%), while males were more likely to receive a higher average percentage of the net assets where their matter resolved in the registrar-led limb (49% cf. 41%) (Table 41). Of note, women were more likely to receive a percentage asset split in the 70%–100% range in the judge-led limb to a statistically significant extent (24% cf. 11%) and men were more likely to receive a percentage asset split in this range in the registrar-led limb (13% cf. 5%) to a statistically significant extent.

In this context, it is important to acknowledge the variation in registrar-led limb and judge-led limb cases, with the average duration of registrar-led limb matters being 4.8 months compared to 7.9 months for judge-led limb cases with this difference being statistically significant. It is also notable that judge-led limb matters were almost twice as likely to involve allegations or evidence on file of family violence compared to registrar-led limb matters, with this difference also being statistically significant. These data, together with data from the qualitative interviews suggest that some parties are settling their matters in the registrar-led limb to avoid the cost, stress and uncertainty of continuing to pursue their matters in the judge-led limb.

Looking specifically at outcomes in PPP500 matters according to court registry location, the data show that women secured a higher average percentage of net assets in Melbourne (55%) and Parramatta (55%) compared to 51% in Brisbane and 52% in Adelaide. Files from the Melbourne and Parramatta registries involved more children on average than the Brisbane and Adelaide registries. Caution should be exercised when interpreting these data given the small sample sizes for Parramatta (Table 40).

In relation to the transfer of property interests between parties, the most common outcomes in both samples involved the respondent keeping the real property and a payment being made to the applicant. For both file types, this outcome was most likely where the respondent was female (44% PPP500 and 52% non-PPP500) (Table 43). The next most common outcome involved property being sold, with payments (or debt) apportioned between the parties. Where applicants were female, the average payment granted to the applicant reflected 83% of funds from the net proceeds of sale in PPP500 matters and 81% in non-PPP500 matters. Where applicants were male, these average proportions were 44% (PPP500) and 45% (non-PPP500) (Table 44). Also of note, female applicants in PPP500 matters were more likely to retain the real property without making a payment (10%) than in non-PPP500 comparison matters (5%) (Table 43).

In most PPP500 and non-PPP500 matters, both parties had superannuation in their own name, with the proportion being higher for the PPP500 sample (78%–79%) than non-PPP500 sample (64%) (Table 45). This variation potentially reflects the financial disclosure in PPP500 matters. A lower proportion of the PPP500 matters also only had one party reporting to have superannuation in their own name. The most common order was for each party to keep their own superannuation (42%–45% for PPP500 cf. 45% for non-PPP500), followed by the orders that entailed applicants receiving a payment from the respondent's superannuation (28%–31%), while a small proportion of final orders in both the samples entailed respondents receiving a superannuation payment from applicants (6%–10%) (Table 45).

In relation to motor vehicles and other chattels, a higher proportion of the PPP500 files than the non-PPP500 files reported having motor vehicles (79%–84% cf. 77%) or household contents/chattels (56%–64% cf. 57%). For most files in both the samples, the most common final orders were for each party to keep what was in their own possession (87%–88%) (Table 46).

## Fair and enforceable outcomes

Data in relation to the assessment of contributions and additional considerations are relevant when determining 'just and equitable' property/financial settlements. In addition to financial contributions made at the outset of and during the parties' relationship, data collected in this evaluation provide insight into the division of net assets according to whether claims were made about homemaker and parenting contributions (see Table 33). The findings demonstrate a general pattern where claims made in relation to homemaker contributions were associated with a higher division of net assets. For women in PPP500 files, those who detailed homemaker contributions received an average of 53% of the net asset pool compared to 48% of those who did not detail homemaker contributions. A similar pattern held for PPP500 men, with an average net asset division of 50% for those detailing homemaker contributions compared to 42% where no such contribution was detailed. For non-PPP500 women, the pattern was similar, with an average net asset division of 54% for those detailing homemaker contributions compared with 48% for those not detailing such contributions.

Analysis relating to claims made about caring for children of the relationship show that the pattern evident in relation to general homemaker contributions was even more marked, with caring for children contributions associated with higher shares, most notably for women (Table 34). In PPP500 files, women who raised a caring for children contribution claim gained an average net asset allocation of 56% compared to 59% for women in non-PPP500 files. This difference was not significantly different in a statistical sense. For men in PPP500 files, a caring contribution claim was associated with a 47% average net asset division compared with 40% for men who did not raise such a claim. Claims made in relation to other non-financial contributions indicate that where women in PPP500 matters raised these contributions on average they received 54% compared to 51% for those who did not (Table 35).

The data about claims made for additional considerations and future needs relating to care of children, income prospects and/or illness health issues were limited but the available data show that, overall, a higher proportion of women made at least one of these claims (12%) compared with 4% of men (Table 37). There was little difference in the prevalence of each claim made between PPP500 and non-PPP500 files for both genders, except for claims about illness/health issues by women, this proportion was higher in non-PPP500 files (7%) compared with 3% in PPP500 files.

In relation to family violence, it is notable that almost one-quarter of female parties in the Year 2 PPP500 subsample and almost one-fifth in the Year 1 subsample raised arguments linking a history of family violence with an impact on future needs. In contrast, the proportions for men across the three subsamples ranged from 8%–3%. By way of contrast, almost two-thirds of the female parties in the non-PPP500 comparison files raised these concerns. Another argument raised in this context concerned financially controlling behaviour having an impact on future needs, with 14% of non-PPP500 comparison women, 9% of Year 2 PPP500 women, and 7% of Year 1 PPP500 women raising this concern (Table 23).

The analyses show that the division of net assets granted in PPP500 matters was similar for women with or without allegations of family violence (Table 42), with an average division of 53% where there was an allegation of family violence, compared with 52% where there was no allegation of family violence. Where there was an allegation of family violence on file, 16% of female parties had an asset split in the 70%–100% compared with 13% where there was no such allegation. A more marked difference was noted in non-PPP500 files, where female parties were granted an average division of 59% where there was an allegation of family violence on file compared with 49% where there was not an allegation. Factors that may be relevant in this context included the absence of affidavit material in PPP500 matters; parties engaging in the PPP500 simplified process potentially

including families with less complex dynamics; and higher rates of self-represented parties in the PPP500 that might mean court forms were prepared without the benefit of legal advice.

Data from the qualitative interviews with parties and professionals also provide insight in relation to the achievement of fair and enforceable outcomes. Parties were mixed in their assessment of whether the outcomes in their PPP500 matters were fair. Having access to a legal process thereby empowering disadvantaged parties was characterised as being fair. However, parties were reluctant to describe the outcomes as fair where they considered the financial implications of their orders. In this context, it is noted that only approximately a quarter of parents participating in Wave 3 of the LSSF reported that they considered the outcome in their property settlement to be fair (Qu et al., 2014, Table 6.15). Almost half of the professionals participating in the qualitative interviews indicated that the PPP500 Pilot facilitated fair outcomes, citing the requirement for registrars and judges making orders for property settlement to be satisfied that the orders were just and equitable. Professionals also cited the requirements relating to early financial disclosure as supporting fair outcomes. Other professionals were hesitant or expressed ambivalence about whether outcomes could be described as fair or preferred to describe outcomes as within the range of outcomes that may be ordered by the court or that the PPP500 process was 'as fair as it can be'.

The affordability of the PPP500 legal process was endorsed by professionals who reflected positively on the PPP500 as enabling them to achieve commercial outcomes for parties with limited resources. Both parties and professionals noted the subjectivity of the concept of fairness and considered the 'bigger picture' where the financial and emotional/psychological costs and stress of litigation are avoided. Emphasis was also placed on the benefit to parties of obtaining enforceable court orders in PPP500 matters. However, the sustainability of outcomes in the PPP500 Pilot was difficult to determine given the relatively short duration of the pilot, with some parties reflecting on their experiences where their former partner was yet to comply with the orders.

## Intersection with Lawyer-assisted Property Mediation: LAC Trial

In relation to the referral of small pool property matters between the PPP500 Pilot and the LAC Trial, the limited available data recording formal referrals identifies challenges in the referral process. In all but two matters, the parties returned to court as the LAC Trial conferences were unable to proceed ( $n = 4$ ) or were yet to take place ( $n = 2$ ). However, given the limitations with the collection of data in relation to these referrals, and the potential for referrals to be made between the PPP500 Pilot program and the LAC Trial in informal ways, these data are likely a substantial underestimate of the referrals taking place. Additional insights were available from data sourced for the Evaluation of the LAC Trial. Although there were limited records of referrals in the case-level data in the Evaluation of the LAC Trial, the administrative data provided in the legal aid commission progress reports regarding matters ceasing in the LAC Trial to undertake litigation, together with case-level data relating to action taken where Party 2 in the LAC Trial matter declined to participate or did not respond to the invitation to participate suggest that referrals to the PPP500 are taking place at a greater rate than indicated in other recorded data. The data in Table 11 of the Evaluation of the LAC Trial final report indicate that in nearly a quarter of matters where Party 2 declined or did not respond to the invitation to participate, aid was granted for Party 1 to litigate. In most cases, this would involve making an application to the PPP500 Pilot. These data illustrate the meaningful interaction between the LAC Trial and PPP500 Pilot programs in those locations where the PPP500 Pilot has been implemented. This is because most matters in the LAC Trial that progress to litigation in these locations would be allocated to the PPP500 list having regard to the size of their asset pools.

## Adjustments to support effective implementation

Quantitative and qualitative data relating to the operation of the PPP500 Pilot over the pilot period provide insight into potential adjustments to support the effective implementation of the pilot program. Most parties and professionals participating in the evaluation reflected positively on the operation of the PPP500 Pilot. Nevertheless, there are suggestions in relation to potential adjustments to support the effective implementation of the pilot on a long-term basis and with a view to meeting the needs of vulnerable parties.

Parties and professionals identified access to legal advice and representation as a means of better ensuring not only the effective implementation of the program but safe and appropriate outcomes for vulnerable parties. The role of legal advice and representation in enabling parties to navigate the legal process and to make informed decisions in relation to settlement options were critical considerations relevant to the effective implementation of

the PPP500 Pilot. If changes were made in this regard, increased resources would be required either to the court or to Legal Aid Commissions or Community Legal Centres to support the provision of these additional services.

Some professionals also reflected on the national expansion of the pilot as a means of enhancing the achievement of just and equitable outcomes for all parties with small property pools. Some professionals also reflected on the need to strengthen the interrelationship between the PPP500 Pilot and the LAC Trial to ensure that parties who could resolve their matter in a mediated process were able to be effectively referred to the LAC Trial and those parties requiring access to a court-based outcome were able to access the PPP500 with the benefit of legal advice and representation where they were unable to afford to retain a private lawyer. In addition to suggestions relating to the delegation of increased powers to enable registrars to manage and appropriately respond to non-compliance without referral to a judicial officer, professionals also reflected on the potential for additional resourcing in the registrar-led limb to provide court-based support parties to navigate the PPP500 process and to facilitate access to mediation or arbitration options. On the other hand, some professionals called for the consideration of additional streamlining of the PPP500 process to reduce the number of court events and a reduction in the time between the conciliation conference and final hearing, together with further simplification of the documentation required to be filed by parties in the PPP500 Pilot, encouraging parties or their lawyers to file the financial summary in the first instance. While not being required to file an affidavit was identified as beneficial in some circumstances, for others, the lack of context for the court in the absence of an affidavit was identified as problematic for vulnerable parties. A suggestion to address this issue included the amendment of the financial summary to include a section focusing on family violence in order that the registrar managing the case be better appraised of the vulnerable party's circumstances.

Professionals considering the effective implementation of the PPP500 also raised the expansion of the eligibility criteria. Some professionals recommended flexibility in relation to parties with concurrent parenting proceedings, observing that being exclusively focused on property/financial matters disadvantaged parties who had experienced family violence. These professionals indicated that the focus on property and financial matters in isolation of the care arrangements for children limited the pilot's ability to ensure just and equitable outcomes, particularly for vulnerable parties with small property pools. The inclusion of superannuation holdings within the \$500,000 limit for small pool property matters was also identified as an area requiring reconsideration, as well as flexibility in relation to other exclusion criteria relating to parties with small businesses operating in company structures (see further directly below).

## Definition of small value property matters

Based on:

- the consideration of data from a representative sample of property related matters finalised in the Federal Circuit and Family Court of Australia
- ABS household wealth data
- insights from qualitative interviews with professionals

a recommendation in relation to the definition of small value property matters is outlined, having regard to the objectives of the WESP and the PPP500 in particular in providing access to affordable property settlement outcomes for vulnerable parties.

The median value of net assets from the non-PPP500 comparison sample of property matters finalised between 2018/19 and 2019/20 financial years was \$546,241. The median net value of assets for Australian households is \$579,200. It is recommended that consideration be given to a small value property definition for the further implementation of the PPP500 that includes net assets up to \$550,000 and excludes the valuation of superannuation assets in the calculation of the net property pool for the purpose of entry into the PPP500 program.

Analysis of the qualitative interviews with professionals identified the potential for the expansion of the eligibility criteria of \$500,000 to ensure access to the PPP500 program for parties in the context of rising home prices and parties' increased superannuation holdings. Their views indicate that the current eligibility criteria may mean that financially disadvantaged and vulnerable clients would be excluded from the PPP500 program. Volatility in the real estate market and variations between states and territories are factors that are also indicative of the need to periodically review the definition of small value property matters for an effective implementation of the PPP500 program on an ongoing basis.

## Social return on investment

The use of a SROI methodology to assess the social value of the PPP500 Pilot provides insight into the economic and social benefits of the PPP500 Pilot, particularly for vulnerable parties, and the extent to which the PPP500 is an efficient means of assisting parties to resolve their post-separation property and financial arrangements. A SROI ratio of 3.88 was calculated indicating that for every \$1 invested in the PPP500, \$3.88 of social value was generated for the PPP500 Pilot stakeholders. Most of the social value was generated for the parties (95%). Increased non-financial benefits from legal proceedings (improvements in wellbeing) comprised 81% of the social value. The SROI ratio was robust to alternative assumptions and the sensitivity analysis showed that SROI ratio was above 1 under alternative assumptions. These results suggest that it is both a prudent and efficient means of assisting parties to resolve their post-separation property and financial arrangements.

It is important to acknowledge that there are a number of limitations to this SROI. Of particular note, there were a number of outcomes and benefits of significance to the parties (particularly those parties who are vulnerable or otherwise disadvantaged) that could not be monetised. The quantitative and qualitative elements of this evaluation have illustrated that the benefits that were identified as objectives of the WESP that established the PPP500 Pilot that could not be monetised in this SROI analysis included parties' access to:

- a simple, timely and cost-effective court-based dispute resolution option where other dispute resolution options are not feasible and resolution is unlikely in the absence of this court-based intervention
- a case-managed court process that empowers disadvantaged parties by addressing power imbalances while supporting parties to resolve their disputes on the basis of improved financial disclosure (including in relation to superannuation holdings)
- court orders that:
  - address outstanding property and financial arrangements to allow parties to re-establish themselves post-separation (e.g. through the liquidation of assets, superannuation splitting and/or the refinancing of and indemnification against debt), which may in turn reduce reliance on the social security benefits
  - formalise these post-separation property and financial arrangements providing a record of the finalised arrangements that can be enforced by the court if required and that mitigates against attempts to reopen the matter or to issue future proceedings
- reduced time, stress, and anxiety associated with legal proceedings and the exposure to ongoing family violence, with these effects experienced by parties and their children and other family members and the parties' lawyers during protracted litigation
- outcomes that supported improved emotional wellbeing of parties and their children in addressing unresolved post-separation property and financial arrangements and formally ending the financial relationship of separated and divorced parties.

In conclusion, the findings of this evaluation support the implementation of the PPP500 Pilot on an ongoing basis with a national rollout. It is an efficient way of assisting parties with modest property pools to resolve post-separation financial matters. With a slight adjustment to the entry criteria based on exclusion of superannuation, the suggested definition is in line with average wealth profiles in the population.

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# Appendix 1

## Evaluation methodology

### Data sources

#### Baseline

The baseline data for the evaluation of the PPP500 Pilot was determined via court administrative data collected from CaseTrack for the six-year period preceding the pilot for all applications for final property orders, and from court file data extracted from court files in the comparison period for the pre-pilot file sample.

These data were used to draw inferences as to likely trajectories and outcomes of cases that would have gone to mainstream court proceedings had they not been resolved in the PPP500 Pilot. These inferences were based on insights from other elements of the pilot evaluation methodology, including the administrative and court file data for the period of the pilot.

#### Administrative data

The analysis of court administrative data extracted from CaseTrack provides an overview of the patterns of PPP500 cases. The analysis provides an overview of key aspects of the operation of the pilot, including, for example:

1. How many applications and responses are filed in different periods in the pilot (and in each limb if available), across the pilot courts?
2. What proportion of applications reached final resolution (including by consent and judicial determination)?
3. Whether number of applications reaching final resolution by consent has increased?
4. What proportion of applications were dismissed, withdrawn or struck out?
5. What are the time frames for these cases to resolve? How do these time frames compare to the preceding six years of the same courts?
6. Do the time frames for applications reaching final resolution differ between early and later stages of the pilot, and from those applications resolved in preceding years?

Court administrative data were also extracted to allow for high-level comparisons to be made between the pilot courts and selected non-pilot courts that are as closely comparable to the pilot courts in terms of their size, location and caseload. The selection of other comparable courts was guided by the Small Claims Working Group and having regard to the advice of relevant Federal Circuit Court staff and the AGD. The data provided insight into the performance of the pilot courts in relation to resolution time frames and methods as compared to other similar courts.

It should be noted that given that court administrative data do not provide insight into the value of total net assets in a given case, the administrative data from the time period prior to the pilot (and the data from the comparable courts) include data relating to matters with net assets exceeding \$500,000. Despite this limitation, access to these comparative data remains important to assess the impact of the pilot in context, specifically the extent to which the pilot period differs from any trends in preceding periods with respect to the issues outlined, and if so, whether differences support the directions of the objectives of the pilot.

## Court file data

The court file data for this component of the research were manually collected by the AIFS team. This component involved collecting data from two samples of court files for property/financial matters, with a net value of less than \$500,000 where these matters have been finalised:

1. a sample of court files in PPP500 cases that have been resolved either by consent or judicial determination, with subsamples being identified by the AIFS research team from each limb (Pilot Groups: Pilot registrar sample and Pilot judge sample)
2. a sample of comparison court files in the pilot period and court files in the preceding two-year period (comparison group).

The comparison sample enabled an evaluation of the extent to which the objectives of the pilot were achieved. In particular, it examined whether the pilot provided more effective, efficient and appropriate services to achieve quick, court enforceable orders and judicial decisions about the division of small value property pools and claims for spousal maintenance after separation, as compared to the mainstream court proceedings. It considered whether this is especially so for vulnerable parties experiencing family violence, financial abuse, imbalance of bargaining power, economic hardship due to unresolved property disputes or where they are self-represented.

## Qualitative interviews with professionals

Professionals (judges, registrars and other court staff involved in administering the registrar-led limb and/or the judge-led limb) were eligible to participate in an interview about their experience working in the PPP500 Pilot. The interviews (approximately eight in each pilot site) were about 45–60 minutes in duration and were conducted by telephone. They took place from late 2020 when the PPP500 Pilot was at a relative point of maturity so as to feed into the interpretation of quantitative findings and provide in-depth insights.

## Qualitative interviews with parties

Interviews with parties were important to understanding how each limb of the pilot operated and whether it did or did not meet parties' needs from the perspective of those who used it. The aim was to include parties (both self-represented parties and parties who are legally represented) who accessed the registrar-led limb and/or the judge-led limb, as well as parties who had participated in the LAC Trial and subsequently proceeded to court. In this way, the data provided valuable insights into all aspects of the pilot and complement the Evaluation of the LAC Trial. Clients were interviewed by telephone (for 45–60 minutes) at the conclusion of their matter. These interviews were conducted throughout the evaluation period, closing six weeks prior to the due date of the final report (June 2022).

## Qualitative case studies

The evaluation also includes a qualitative case study component, to provide in-depth insights into the operation of the PPP500 Pilot in particular contexts on the basis of a more detailed analysis of the nature and dynamics of small pool property matters in the pilot and of the outcomes in these cases.

The case studies are intended to support understanding of how individual PPP500 Pilot site environments (including the socio-demographic profile of parties) and different wider systemic environments (such as communities of practice) influenced the operation and impact of PPP500 Pilot.

## Definition of small value property pool

The evaluation developed a definition of a small value property pool as part of the economic analysis, taking into account empirical evidence generated and the following factors:

1. What constitutes a small property pool relative to the matters that are dealt with by consent and litigated court matters and how potential spousal maintenance claims should be incorporated into this definition?
2. What constitutes a small property pool relative to the financial circumstances of average Australian families (based on data from the ABS (such as Household Income and Wealth Data) and the Surveys of Recently Separated Parents 2012 and 2014)?
3. Whether different definitions of small property pool should be applied in the LAC Trial and the pilot?

4. How the definition could balance considerations arising from size and complexity since some asset pools may be large but not complex (e.g. comprising the family home and superannuation) and others may be not large but complex (e.g. involving debt and multiple third-party creditors)?
5. Whether the concept of proportionality, namely the extent to which the cost involved in securing an outcome in a property and financial matter is proportionate to the funds invested in securing that outcome, should be relevant to the definition?
6. Whether, if the definition is to be applied as part of the criteria for entry to a subsidised or expedited dispute resolution or court process, other issues should also be relevant entry criteria, such as any history of family violence, the presence of indicators of vulnerability relevant to one or both parties, and whether there are children?

Consideration of the definition was informed by the following data sources: the case file analyses of the LAC Trial and PPP500 Pilot, data collected from interviews with professionals in the evaluations of the LAC Trial and the PPP500 Pilot, ABS<sup>20</sup> and Surveys of Recently Separated Parents<sup>21</sup> and the social return on investment analysis (see below).

## Social return on investment

A social return on investment (SROI) analysis was conducted to measure the financial, economic and social impacts of the PPP500 Pilot.

SROI is a framework for measuring the extent, intensity and value of outcomes resulting from an intervention such as a project, program or policy. It uses monetary values to represent these impacts and allow for a direct comparison between the amount of money spent on the PPP500 Pilot and the social and economic returns on this investment.

The SROI analysis covers all people and/or organisations that are impacted by the PPP500 Pilot. Therefore, the impacts measured are not limited only to the clients participating but will also include the value of impacts to the professionals involved in the program, government and society as a whole. The data collection strategies outlined in the preceding sections will support the SROI analysis.

The analysis was evaluative (conducted retrospectively based on actual outcomes that have already taken place as part of the PPP500 Pilot) and was undertaken in accordance with the principles of SROI.

<sup>20</sup> See ABS Household Income and Wealth (cat no. 6523.0).

<sup>21</sup> Kaspiew, R., Carson, R., Dunstan, J., De Maio, J., Moore, S., Moloney, L. et al. (2015). *Experiences of Separated Parents Study* (Evaluation of the 2012 Family Violence Amendments). Melbourne: Australian Institute of Family Studies.

## Appendix 2

**Table A.1:** Federal Circuit Court/Federal Circuit and Family Court, number of initiating applications and responses for financial (property and/or maintenance), all matters (PPP500 and non-PPP500 matters) on the pilot sites, 2020, 2021 and 2022

	2020		2021		2022		All	
	Applications	Responses	Applications	Responses	Applications	Responses	Applications	Responses
<b>Adelaide</b>	697	573	684	545	267	138	1,648	1,256
Property	554	440	550	421	211	98	761	959
Property & Parenting	143	133	134	124	56	40	190	297
<b>Brisbane</b>	1,832	1,457	1,842	1,505	694	385	2,536	3,347
Property	1,359	1,017	1,374	1,082	548	280	1,922	2,379
Property & Parenting	473	440	468	423	146	105	614	968
<b>Melbourne</b>	1,922	1,642	1,991	1,727	801	491	2,792	3,860
Property	1,242	997	1,317	1,103	568	310	1,885	2,410
Property & Parenting	680	645	674	624	233	181	907	1,450
<b>Parramatta</b>	698	564	727	601	281	120	1,008	1,285
Property	496	379	524	414	224	81	748	874
Property & Parenting	202	185	203	187	57	39	260	411
<b>Total</b>	<b>5,149</b>	<b>4,236</b>	<b>5,244</b>	<b>4,378</b>	<b>2,043</b>	<b>1,134</b>	<b>7,287</b>	<b>9,748</b>
Property	3,651	2,833	3,765	3,020	1,551	769	5,316	6,622
Property & Parenting	1,498	1,403	1,479	1,358	492	365	1,971	3,126

**Table A.2:** Federal Circuit Court/Federal Circuit and Family Court, number of initiating applications and responses for financial (property and/or maintenance), non-PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Applications	Responses	Applications	Responses	Applications	Responses	Applications	Responses
<b>Adelaide</b>	642	526	522	422	221	117	1,385	1,065
Property	501	394	394	304	167	79	508	777
Property & Parenting	141	132	128	118	54	38	180	288
<b>Brisbane</b>	1,655	1,336	1,546	1,278	600	336	1,969	2,950
Property	1,193	907	1,096	873	458	234	1,388	2,014
Property & Parenting	462	429	450	405	142	102	581	936
<b>Melbourne</b>	1,852	1,584	1,776	1,531	748	458	2,454	3,573
Property	1,174	941	1,122	927	518	280	1,572	2,148
Property & Parenting	678	643	654	604	230	178	882	1,425
<b>Parramatta</b>	658	532	611	509	258	108	829	1,149
Property	459	350	418	332	201	69	582	751
Property & Parenting	199	182	193	177	57	39	247	398
<b>Total</b>	<b>4,806</b>	<b>3,977</b>	<b>4,455</b>	<b>3,740</b>	<b>1,825</b>	<b>1,019</b>	<b>5,937</b>	<b>8,736</b>
Property	3,327	2,592	3,030	2,436	1,344	662	4,050	5,690
Property & Parenting	1,480	1,386	1,425	1,304	483	357	1,890	3,047

**Table A.3:** Federal Circuit Court/Federal Circuit and Family Court proportion of applications filed with financial statements in non-PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications
<b>Adelaide</b>	631	98	522	100	219	99	1,372	99
Property	494	99	394	100	167	100	1,055	99
Property & Parenting	137	97	128	100	52	96	317	98
<b>Brisbane</b>	1,608	97	1,513	98	588	98	3,709	98
Property	1,150	96	1,070	98	446	97	2,666	97
Property & Parenting	458	99	443	98	142	100	1,043	99
<b>Melbourne</b>	1,799	97	1,707	96	730	98	4,236	97
Property	1,135	97	1,067	95	504	97	2,706	96
Property & Parenting	664	98	640	98	226	98	1,530	98
<b>Parramatta</b>	618	94	554	91	218	84	1,390	91
Property	423	92	370	89	161	80	954	88
Property & Parenting	195	98	184	95	57	100	436	97
<b>Grand total</b>	<b>4,655</b>	<b>97</b>	<b>4,296</b>	<b>96</b>	<b>1,753</b>	<b>96</b>	<b>10,704</b>	<b>97</b>

**Table A.4:** Federal Circuit Court/Federal Circuit and Family Court proportion of responses filed with financial statements in non-PPP500 matters, 2020, 2021 and 2022

	2020		2021		2022		All	
	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications	Number of applications with financial summary	As % of all PPP500 applications
<b>Adelaide</b>	522	99	422	100	115	98	1,059	99
Property	393	100	304	100	79	100	776	100
Property & Parenting	129	98	118	100	36	95	283	98
<b>Brisbane</b>	1,325	99	1,268	99	335	100	2,928	99
Property	900	99	869	100	233	100	2,002	99
Property & Parenting	425	99	399	99	102	100	926	99
<b>Melbourne</b>	1,551	98	1,475	96	447	98	3,473	97
Property	920	98	883	95	272	97	2,075	97
Property & Parenting	631	98	592	98	175	98	1,398	98
<b>Parramatta</b>	506	95	462	91	102	94	1,070	93
Property	328	94	293	88	63	91	684	91
Property & Parenting	195	98	184	95	57	100	436	97
<b>Grand total</b>	<b>4,655</b>	<b>97</b>	<b>4,296</b>	<b>96</b>	<b>1,753</b>	<b>96</b>	<b>10,704</b>	<b>97</b>

**Table A.5:** Court file sample: legal representation by gender of parties,<sup>a</sup> PPP500 and non-PPP500 samples

	Year 1 PPP500 files (%)			Year 2 PPP500 files (%)			Non-PPP500 files (%)		
	Men	Women	All	Men	Women	All	Men	Women	All
Any legal representation during the proceedings and prior to the final hearing?									
Unrepresented	17.1	9.5	13.2	21.0***	7.7	14.4	15.5***	4.3	9.8
Legal aid/Grant of aid for legal assistance (public)	1.4	2.0	1.7	0.4	3.0	1.7	2.5	5.6	4.1
Community legal centre	0.0	0.7	0.3	0.4	2.6	1.5	1.1	2.2	1.7
Private (no legal aid grant)	15.0	12.8	13.9	14.0	10.0	12	8.2	12.4	10.3
Private (but unclear whether paying fees privately or grant of legal aid)	62.1	74.3	68.4	54.4	70.1	62.2	64.4	73.4	69.1
Not available/unclear	4.3	0.7	2.4	9.9	6.6	8.3	8.2	2.2	5.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	140	148	288	272	271	543	354	372	727 <sup>b</sup>
Legal representation at time of final hearing									
Unrepresented	17.8	9.6	13.5	11.6**	6.6	9.1	17.4***	4.8	10.9
Legal aid/Grant of aid for legal assistance (public)	2.7	2.4	2.6	0.8	3.3	2.1	3.7	7.5	5.7
Community legal centre	0.0	1.2	0.6	1.2	3.7	2.5	1.7	2.8	2.2
Private (no legal aid grant)	15.1	12	13.5	14.5	10.7	12.6	11.6	17.1	14.4
Private (but unclear whether paying fees privately or grant of legal aid)	61.6	71.1	66.7	64.3	71.7	68	56.6	65.5	61.1
Not available/unclear	2.7	3.6	3.2	7.5	4.1	5.8	9.1	2.4	5.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	73	83	156	241	244	485	242	252	494

**Note:** <sup>a</sup> Men and women include same-sex couples; that is, both parties of same-sex male partners were included in men category, and both parties of same-sex female partners were included in women category. <sup>b</sup> Includes one case where gender missing. For each set of characteristics, asterisks indicate that the differences between men and women (separately for Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant based on a chi-square test (\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

**Table A.6:** Court file sample: demographic characteristics by gender of parties,<sup>a</sup> file type and year

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)
Age									
Mean	44.7	43.5	44.1	46.5***	43.3	44.9	49.3***	46.4	47.8
SD	10.2	10.2	10.2	9.8	9.4	9.7	11.4	10.7	11.1
<45	50.4	60.7	55.7	41.8	56.3**	49.1	32.2	42.2*	37.3
45-54	32.9	25.5	29.1	38.8	31.6	35.2	35.4	33.1	34.2
55+	16.8	13.8	15.3	19.4	12.2	15.8	32.5	24.8	28.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	137	145	282	263	263	526	342	363	706
Country of birth									
Australia	56.7	56.2	56.4	46.9	49.6	48.2	33.3	32.8	33.1
Overseas	6.4	6.8	6.6	15.5	16.7	16.1	14.1	15.3	14.7
Not stated	36.9	37.0	36.9	37.6	33.7	35.7	52.5	51.9	52.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	141	146	287	271	270	541	354	372	726
Australia (excl. Not stated)	89.9	89.1	89.5	75.2	74.9	75.0	70.2	68.2	69.2
Australian citizen									
Yes	89.3	86.5	87.8	83.8	80.4	82.1	84.6	86.3	85.4
No	5.7	10.1	8	10.7	12.2	11.4	11.4	10.2	10.8
Not stated	5.0	3.4	4.2	5.5	7.4	6.5	4.0	3.5	3.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	140	148	288	271	271	542	350	371	721
Indigenous status									
Non-Indigenous	94.3	96.6	95.5	96.7	95.9	96.3	94.9	93.4	94.1
Indigenous	0.0	0.0	0.0	0.4	0.4	0.4	0.3	0.6	0.4
Not stated	5.7	3.4	4.5	3.0	3.7	3.3	4.8	6.0	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	140	147	287	270	271	541	351	366	717

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	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)
Current employment status									
Employed	65.5	70.9	68.3	74.7	73.2	73.9	61.4***	61.9	61.6
Full-time	46.5***	32.4	39.3	55.9***	39.0	47.4	47.0	31.2	38.9
Part-time	2.1	22.3	12.4	4.8	19.9	12.3	2.0	18.3	10.3
Employed, hours not stated	16.9	16.2	16.6	14.0	14.3	14.2	12.4	12.4	12.4
Not employed	24.6	25.0	24.8	16.5	22.4	19.5	25.6	33.3	29.6
Not stated	9.9	4.1	6.9	8.8	4.4	6.6	13.0	4.8	8.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	142	148	290	272	272	544	355	372	727
Employed (Excl. Not stated)	72.7	73.9	73.3	81.8	76.5	79.1	70.6	65.0	67.6
Current employment status (under 65)									
Employed	67.2	73.3	70.4	76.0	74.7	75.3	66.9***	63.8	65.2
Full-time	48.1***	34.5	41.1	57.9***	40.2	48.9	51.1	32.5	41.3
Part-time	2.3	22.3	12.6	3.5	19.9	11.8	2.3	18.0	10.5
Employed, hours not stated	16.8	16.5	16.7	14.6	14.6	14.6	13.5	13.3	13.4
Not employed	22.9	23.0	23.0	15.4	21.1	18.3	21.5	31.9	27.0
Not stated	9.9	3.6	6.7	8.7	4.2	6.4	11.6	4.3	7.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	131	139	270	254	261	515	311	345	656
Employed (Excl. Not stated)	74.6	76.1	75.4	83.2	78.0	80.5	75.6	66.7	70.7
Occupation <sup>b</sup>									
Managerial	12.5	11.3	11.9	11.5	12.6	12.0	19.4	9.5	14.3
Professional	15.9	22.7	19.5	11.5	22.0	16.7	14.7	23.0	18.9
Technician/trade worker	42.0	3.1	21.6	34.4***	6.3	20.4	24.2***	4.5	14.1
Community and personal service worker	10.2	28.9***	20.0	7.3	24.6	15.9	8.1	25.7	17.1
Clerical and administrative worker	1.1	17.5	9.7	3.1	16.8	9.9	1.9	15.8	9.0
Sales worker	3.4	7.2	5.4	7.8	10.5	9.1	2.8	11.7	7.4
Machinery operator/driver	9.1	2.1	5.4	12.5	0.0	6.3	18.0	1.8	9.7
Labourer	5.7	7.2	6.5	12.0	7.3	9.7	10.9	8.1	9.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N	88	97	185	192	191	383	211	222	433

Table continued over page →

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)
Main activity when not in the labour force									
Retired	25.0	5.6	14.7	35.7**	20.6	25.0	38.9***	8.8	20.9
Home duties or caring for child(ren)	0.0	33.3	17.6	0.0	44.1	31.3	0.0	42.5	25.4
Attending an education institution	0.0	11.1	5.9	7.1	2.9	4.2	1.9	1.3	1.5
Own long-term health condition/disability	50	27.8	38.2	14.3	20.6	18.8	40.7	32.5	35.8
Own short-term illness/injury	6.3	0.0	2.9	7.1	8.8	8.3	5.6	2.5	3.7
Looking after ill or disabled person	6.3	5.6	5.9	0.0	2.9	2.1	7.4	8.8	8.2
Travel	12.5	11.1	11.8	28.6	0.0	8.3	3.7	3.8	3.7
Working in unpaid voluntary job	0.0	5.6	2.9	7.1	0.0	2.1	1.9	0.0	0.7
<b>Not applicable</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	16	18	34	14	34	48	54	80	134

**Notes:** <sup>a</sup> Men and women include same-sex couples; that is, both parties of same-sex male partners were included in men category, and both parties of same-sex female partners were included in women category. <sup>b</sup> Excludes files with no occupation provided (6% for the PPP500 sample, and 2% for the Non-PPP500 files). For each set of characteristics, asterisks indicate that the differences between men and women (separately for Year 1 PPP500; Year 2 PPP500; and Non-PPP500 files) were statistically significant based on the chi-square test for categorical variable and the t-test for continuous variable ( $p < .05$ ; \*\*\* $p < .001$ ). Percentages may not total exactly 100.0% due to rounding.

**Table A.7:** Health and other issues by gender of parties,<sup>a</sup> PPP500 and non-PPP500 samples

	Year 1 PPP500 files			Year 2 PPP500 files			Non-PPP500 files		
	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)	Men (%)	Women (%)	All (%)
Medical condition/health	19.0	19.6	19.3	15.4	13.2	14.3	21.7	21.8	21.7
Substance abuse	3.5	0.0	1.7	2.6	1.8	2.2	5.6	2.7	4.1
Gambling concerns	0.0	0.0	0.0	0.7	0.0	0.4	3.7	1.1	2.3
Mental health concerns	10.6	14.2	12.4	12.1	15.1	13.6	10.7	18.8	14.8
Any of above	30.3	29.7	30.0	28.3	26.1	27.2	36.1	36.0	36.0
<i>N</i>	142	148	290	272	272	544	355	372	727

**Notes:** <sup>a</sup> Men and women include same-sex couples; that is, both parties of same-sex male partners were included in men category, and both parties of same-sex female partners were included in women category. Multiple responses apply to health and other issues and the sum may exceed 100%.

**Table A.8:** Court file sample: Whether evidence or allegations of family violence relates to current or prior proceedings and whether allegations relate to family violence and/or child abuse, by file type and year

	Year 1 PPP500 files (%)	Year 2 PPP500 files (%)	Non-PPP500 files (%)
Whether the evidence (or allegations) relates to the current or prior proceedings			
Current proceedings	80.6	87.3	82.1
Prior proceedings	11.1	8.9	9.0
Both	8.3	3.8	9.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	36	79	134
Allegation of family violence and child abuse			
Either <sup>a</sup>	22.1	26.5	33.6**
Family violence only	18.6	16.9	23.1
Child abuse only	0.7	0.7	0.0
Both	2.1	4.0	7.7
Neither	77.9	73.5	66.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<i>N</i>	145	272	364

**Note:** <sup>a</sup> Includes other category where family violence or child abuse were unspecified. Asterisks indicate that the differences between Year 1; Year 2 PPP500 files and non-PPP500 files were statistically significant.

## Appendix 3

**Table A.9:** Legal costs in family law matters

Item	Description	Amount (including GST)
1	Initiating or opposing an application up to the completion of the first court date	Both: (a) \$2,357; and (b) the daily hearing fee specified in item 13 that applies to the hearing
2	Initiating or opposing an application that includes interim orders (other than procedural orders) up to the completion of the first court date	Both: (a) \$2,947 and (b) the daily hearing fee specified in item 13 that applies to the hearing
3	Initiating or opposing an application for interlocutory orders (including an interim hearing) that is not otherwise described in item 1 or 2	Both: (a) \$1,964; and (b) the daily hearing fee specified in item 13 that applies to the hearing
4	Procedural or summary hearing—as a discrete event	\$1,964
5	Conciliation conference (including preparation)	\$1,964
6	Other dispute resolution (including preparation)	\$1,964
7	Preparation for final hearing—1 day matter	\$5,022
8	Preparation for final hearing—2 day matter	\$6,227
9	Preparation for final hearing—each additional hearing day after the second hearing day	\$1,334
10	Attendance at hearing to take judgment and explain orders	Both: (a) \$321; and (b) the daily hearing fee specified in item 13 that applies to the hearing
11	Application location, recovery or enforcement of an order (other than an application for enforcement by a Registrar under item 12)	Both: (a) \$997; and (b) the daily hearing fee specified in item 13 that applies to the hearing
12	Application for enforcement by a Registrar of: (a) a warrant under rule 11.15; or (b) a third party debt notice under rule 11.34	\$659
13	Daily hearing fee	(a) for a short mention—\$321; or (b) for a half day hearing—\$1,178; or (c) for a full day hearing—\$2,357
14	Advocacy loading	50% of the daily hearing fee specified in item 13 that applies to the hearing
15	Drafting, conferences and chamber work (not otherwise covered by other items in the table)	(a) Senior Counsel—\$677 per hour; (b) Junior Counsel—\$361 per hour; (c) Solicitor—\$260 per hour
16	Disbursements—Court fees and other fees and payments to the extent that they have been reasonably incurred	The amount of the fees and payments
17	Disbursements—photocopying for each page	\$0.81
18	Agents fees and travelling costs Note: For 2 or more hours travel.	\$663

Source: FCFCoA, [www.fcfoa.gov.au/fl/pubs/legal-costs](http://www.fcfoa.gov.au/fl/pubs/legal-costs)

**Table A.10:** Regression analysis on working hours

Variable	Working hours
Property and possessions not sorted	-2.637** [1.200]
Female	-15.119*** [0.696]
Age	2.372*** [0.351]
Age squared	-0.027*** [0.004]
Highest level of education (ref. bachelor's degree or higher)	
Some qualifications (Cert III and IV)	-1.890** [0.780]
Year 12	-4.041*** [0.973]
Year 11 or less	-6.334*** [0.892]
Australia born	1.994** [0.782]
Number of children living with	-2.674*** [0.317]
Experienced domestic violence with former partner	-1.167** [0.577]
Married	3.476*** [0.772]
Constant	-10.552 [6.988]
Observations	3,244
R-squared	0.292

**Notes:** The sample is confined to respondents whose total real assets are under \$500,000. Robust standard errors in brackets. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

**Table A.11:** Regression analysis on general life satisfaction

Variable	General life satisfaction
Property and possessions not sorted	-0.273** [0.125]
Female	0.575*** [0.068]
Age	-0.041 [0.029]
Age squared	0.000 [0.000]
Married	0.792*** [0.071]
Highest level of education (ref. bachelor's degree or higher)	
Some qualifications (Cert III and IV)	-0.015 [0.073]
Year 12	0.045 [0.089]
Year 11 or less	0.159* [0.092]
Australia born	-0.023 [0.060]
Employed	-0.067 [0.065]
Real income	5.38E-06*** [0.000]
Real income squared	-4.64E-12*** [0.000]
Number of children living with	0.053 [0.034]
Experienced domestic violence with former partner	-0.476*** [0.060]
Poor health	-1.676*** [0.204]
Constant	8.497*** [0.618]
Observations	3,525
R-squared	0.133

**Notes:** The sample is confined to respondents whose total real assets are under \$500,000. Robust standard errors in brackets. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$