
MACQUARIE LEGAL CENTRE INC.

Date

Your Ref:

Our Ref:

42 Station Street East
Harris Park NSW 2150
Telephone: 689 1777
Fax No: 893 9680

5th February, 1992

Alternate Dispute Resolution Association
Attn: Mr John Pollard
P.O. Box E468
St. James
SYDNEY 2000

Dear Sir,

Re: Mediation where domestic violence is issue.

I am a solicitor currently employed at Macquarie Legal Centre to work in the area of domestic violence and Family Law. As such my duties require me to represent complainants in the Local Court with a view to obtaining Apprehended Violence Orders. Any other issues which may be associated with the Violences Orders, such as Property, Custody, Access or Guardianship are referred to other legal avenues, and not dealt with by this Centre.

A consistent difficulty I am having when approaching the Local Court for an Apprehended Violence order, is that some Magistrates are keen to have the matter of harassment and/or violence dealt with in mediation. The issue of mediation may arise during the course of the case, where the defendants' Legal representatives suggest that the issue before the Courts, is not one of harassment, but rather as the "tragedy of the breakdown of relationship" and as such, because the Court is an inappropriate forum to deal with such an issue it should be referred to a mediation service. It is our belief that unless the issue of Violence is dealt with, there can be no discussion as to the "breakdown" of the relationship and the complainant feels she is protected, and/or any other related issues.

We request a letter form A.D.R.A. asking:

1. Confirmation that mediation only occurs where both parties consent to the mediation.
2. A copy of A.D.R.A.'s policy or guidelines in relation to mediation where domestic violence is the key issue.

As you may be aware a policy statement was made by Angela Karpin, former Chief Magistrate in relation to mediation and domestic violence. It is our intention that if we present a copy of A.D.R.A.'s letter to the magistrates when the issue of mediation arises, it may serve as a reminder of the Chief Magistrate's Policy decision.

If any queries exist in this matter, please do not hesitate to contact myself.

I await your reply.

Yours faithfully,
MACQUARIE LEGAL CENTRE INC.

A handwritten signature in black ink, appearing to read "Sunila Srivastava". The signature is fluid and cursive, with the first name "Sunila" and last name "Srivastava" clearly distinguishable.

Sunila Srivastava
Solicitor