



Australian Government
Attorney-General's Department

Civil Justice Division

FREQUENTLY ASKED QUESTIONS – ACCREDITATION AND REGISTRATION

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Accreditation

What is the accreditation system?

A new accreditation system is being phased in so that people providing family dispute resolution under the *Family Law Act 1975* meet a set of nationally consistent standards. The current Accreditation Rules were introduced on 1 July 2007 as an interim measure while new rules based on national competency standards are being developed.

All new family dispute resolution practitioners seeking to be registered on the Family Dispute Resolution Register are required to meet the current Accreditation Rules. (These Rules do not apply to practitioners authorised to provide family dispute resolution on behalf of a registered family dispute resolution organisation.)

It is likely that the final Accreditation Rules will be available by mid 2008. It is expected that all family dispute resolution practitioners will need to meet the final Accreditation Rules by July 2009. This will include those practitioners currently authorised to provide family dispute resolution on behalf of a registered family dispute resolution organisation.

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What are the current accreditation arrangements?

To be accredited under the interim Accreditation Rules a person must:

- have been awarded an ***appropriate degree, diploma or other qualification*** by a university, college of advanced education or other tertiary institution of an equivalent standard, or
- be admitted as a ***legal practitioner*** in one or more Australian States and Territories.

The person must also:

- have completed at least 10 hours of ***supervised family dispute resolution***
- have completed five days training in family dispute resolution, including at least one course of at least three days duration, and
- meet the requirements for registration in the Family Dispute Resolution Register.

Refer to the **Glossary** for an explanation of the terms, '***appropriate degree, diploma or other qualification***' and '***supervised family dispute resolution***'.

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What is the difference between accreditation and registration?

A registered family dispute resolution provider is an individual or organisation that meets the requirements under the Family Law Act to provide family dispute resolution and issue family dispute resolution certificates. Registered family dispute resolution providers are included on the Family Dispute Resolution Register.

An accredited family dispute resolution practitioner is an individual that meets the Accreditation Rules in the *Family Law Regulations 1984* (the Regulations). To be accredited as a family dispute resolution practitioner an individual must also meet the registration requirements and be included in the Family Dispute Resolution Register.

Individuals providing family dispute resolution on behalf of a registered organisation and those that met certain requirements under the Regulations by 30 June 2007, are included in the Family Dispute Resolution Register, but are not required to meet the current Accreditation Rules.

However, once the final Accreditation Rules are implemented, it is expected that all family dispute resolution practitioners will need to meet the final rules by July 2009 in order to become or remain registered and issue family dispute resolution certificates.

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Once a family dispute resolution practitioner is accredited, how long will the accreditation last for?

Accreditation under the current (interim) Accreditation Rules is available until 30 June 2009. By the end of the transition period on 1 July 2009, all practitioners will need to meet the requirements of the final Accreditation Rules for family dispute resolution practitioners in order to continue to be 'family dispute resolution practitioners' and be able to issue family dispute resolution certificates. It is expected that the final accreditation rules will be available by mid 2008.

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Will existing practitioners be required to obtain additional skills and/or qualifications to meet the final Accreditation Rules?

These rules have not yet been finalised. It is expected that they will be available by mid 2008 and will take effect from 1 July 2009.

The final Accreditation Rules will be based on new competency based qualifications (Vocational Graduate Diploma in Family Dispute Resolution) that have been developed for the family relationships sector.

It is expected that the skills and experience of existing practitioners will be recognised, however it is likely that all practitioners will need to be assessed to ensure they have demonstrated competency relating to working with vulnerable parties in dispute resolution, responding to family and domestic violence and operating in the family law environment.

For more information about the new qualifications visit the Community Services & Health Industry Skills Council website <http://www.cshisc.com.au> and then follow the links, 'Training Packages', 'Community Services' and open the document 'Qualifications Framework'.

The National Training Information Service website (<http://www.ntis.gov.au/>) will be updated to show registered training organisations able to deliver this training in the near future.

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What constitutes supervision (including the 10 hours of required supervision)?

The meaning of *supervised family dispute resolution* is prescribed in regulations 3AA and 83 of the Family Law Regulations. It is not possible for family dispute resolution practitioners to be supervised in 'role playing' scenarios' the practitioner must be involved in actual family dispute resolution.

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Registration

What happens to family dispute resolution practitioners working in organisations when the final Accreditation Rules take effect?

‘Approved’ and ‘designated’ organisations are included in the Family Dispute Resolution Register (as registered organisations) and are able to authorise individual practitioners to provide family dispute resolution on their behalf.

‘Approved’ organisations include Family Relationship Centres and Family Dispute Resolution Services funded under the Australian Government Family Relationship Services Program.

Some other organisations which provide family dispute resolution, such as legal aid commissions and State and Territory-funded dispute resolution services have been ‘designated’ by the Attorney-General as organisations which can provide family dispute resolution under the Family Law Act .

Where an individual practitioner is authorised by a registered organisation to provide family dispute resolution, that organisation must provide the individual practitioner’s name and period of authorisation to the Practitioner Registration Unit for inclusion in its registration details. The practitioner must also complete an individual application for registration.

Practitioners can also choose to register in their own right where they meet the registration eligibility requirements.

Once the final Accreditation Rules are implemented, it is expected that all family dispute resolution practitioners will need to meet the final rules by July 2009 to become or remain registered and issue family dispute resolution certificates.

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What about individual family dispute resolution practitioners or those who work in an organisation that is not approved or designated?

Individual practitioners in private practice, or working in an organisation that is not designated or approved, will need to be registered individually to be a family dispute resolution practitioner under the Family Law Act in order to issue valid certificates.

To be registered, practitioners will need to meet the eligibility requirements set out in the Family Law Regulations for registration in the Family Dispute Resolution Register.

Practitioners were able to register before 1 July 2007, if they met the requirements under Regulation 83.

If a practitioner wishes to register on or after 1 July 2007 they will need to meet the current (interim) Accreditation Rules.

However, once the final Accreditation Rules are implemented, it is expected that all family dispute resolution practitioners will need to meet the final rules by July 2009 to become or remain registered and issue family dispute resolution certificates.

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How much does registration as a family dispute resolution practitioner cost?

Registration as a family dispute resolution practitioner is free.

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Can a practitioner work in a mediation service such as Relationships Australia if they are not registered as a family dispute resolution practitioner?

Yes. Only people who wish to perform family dispute resolution as defined in the Family Law Act (including issuing certificates under section 60I of the Act) need to be on the Family Dispute Resolution Register. People who want to provide mediation outside the confines of the Act, and those performing other roles, do not need to be included on the Register.

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Who decides if a person is eligible to be registered as a family dispute resolution practitioner? Is there any way to appeal a decision?

The Secretary of the Attorney-General's Department may register a person if he or she meets the requirements for registration set out in the *Family Law Regulations 1984* (the Regulations).

If the Secretary decides not to register an applicant, the person will be given written notice of the Secretary's decision and the reasons for it, and inform him or her of their right to seek a review of the Secretary's decision.

If a person who has been refused registration wishes to seek a review of the Secretary's decision, he or she should first apply to the Attorney-General's Department for an internal review.

If the person is not satisfied with the results of the internal review, they may apply to the Administrative Appeals Tribunal (AAT). When reviewing a decision, the AAT generally has the same powers as the person or body that made the original decision and may, if it considers it appropriate, vary or substitute its own decision for the original decision. The AAT will look at the merits of the decision, that is, whether it was 'the correct and preferable decision'.

Decisions of the AAT may be appealed to the Federal Court on questions of law.

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Which criminal convictions make someone ineligible to be registered as a family dispute resolution practitioner?

A person will be ineligible to be registered as a family dispute resolution practitioner if they have been convicted of:

- an offence involving violence to a person, or
- a sex-related offence, including rape, sexual assault, indecent assault, unlawful sexual acts with or upon minors, child pornography, procuring or trafficking of a child for indecent purposes, or being knowingly concerned with the prostitution of a child.

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How long will it take to be registered on the Family Dispute Resolution Register?

The Attorney-General's Department will register all applicants within the shortest time possible and completed applications will be processed in order of receipt.

An applicant will be registered following the assessment his or her completed application form and Commonwealth statutory declaration form, when the required accompanying evidence has been provided and the Secretary of the Department is satisfied that the applicant meets the requirements for registration set out in the *Family Law Regulations 1984*.

If an incomplete application for registration is provided to the Attorney-General's Department, additional information will be sought from the applicant, which may delay the registration process.

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Use of Information collected by the Attorney-General's Department

Why does the Attorney-General's Department need to collect information about family dispute resolution providers?

The Department collects the information requested in the registration application form to allow it to:

- assess suitability for registration as a family dispute resolution practitioner for the purpose of issuing certificates under section 60I of the Family Law Act (the Act), including:
 - checking qualifications
 - ability to work with children according to State and Territory laws, and
 - criminal history
- enable the public to locate a registered family dispute resolution practitioner

- enable the Department and the courts to verify that certificates issued under section 60I of the Act are issued by registered practitioners, and
- compile reports on workforce statistics relating to the community services sector.

This is authorised by section 10A of the Act.

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Will personal information in the Family Dispute Resolution Register be used for any other purpose?

Except where permitted under existing legislation, all information in the Family Dispute Resolution Register will be used for the purposes outlined above.

The Attorney-General's Department will collect, use and share information only in accordance with the requirements of the *Privacy Act 1988*. The Privacy Act protects people's personal information by requiring Commonwealth and ACT government agencies to comply with 11 Information Privacy Principles. The Information Privacy Principles cover the collection, use and disclosure, quality and security of personal information.

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Who will be authorised to receive information from the Family Dispute Resolution Register and for what purposes?

The Public

When registered, contact and access information about family dispute resolution providers may be made available online through the Family Dispute Resolution Register as follows:

- details of all designated and approved family dispute resolution organisations will be automatically made publicly available
- details of individual family dispute resolution practitioners authorised by designated or approved family dispute resolution organisations will *not* be publicly available but will be available through secure access to court staff for the purposes of checking the validity of family dispute resolution certificates, and
- details of family dispute resolution practitioners who provide services individually will *only* be publicly available with the practitioner's consent but will be available through secure access to court staff for the purposes of checking the validity of family dispute resolution certificates.

All family dispute resolution providers who are eligible for registration are strongly encouraged to agree to their contact and access details being made publicly available.

The Family Dispute Resolution Register can be publicly accessed through Family Relationships Online (www.familyrelationships.gov.au).

Family Relationships Online is a national service and resource finder for the family relationships sector. It provides public access to information about family relationships and separation, including information about a wide range of services that may assist families. Staff working on the Family Relationship Advice Line access information on Family Relationships Online to identify services that are most appropriate to callers' needs and to make referrals. The services information in Family Relationships Online is also available to other service providers for referral purposes.

Attorney-General's Department

The Attorney-General's Department will use the information provided by individuals and designated and approved organisations for inclusion in the Family Dispute Resolution Register for purposes that include:

- assessing the suitability of applicants for registration or acceptance as family dispute resolution practitioners
- enabling the Department to verify that certificates provided under section 60I of the Act are issued by registered family dispute resolution practitioners
- compiling reports on workforce statistics relating to the family dispute resolution workforce, and
- monitoring compliance with conditions of registration and, where relevant, accreditation.

The Courts

Courts that deal with Family Law matters, such as the Family Court of Australia, the Family Court of Western Australia, and the Federal Magistrates Court, will be authorised to access *some* information in the Family Dispute Resolution Register to verify that certificates provided under section 60I of the Family Law Act are issued by registered family dispute resolution practitioners. The courts will have access to the names of practitioners included on the Family Dispute Resolution Register, the organisation for which they provide services (if any) and the registration number of the individual or approved or designated organisation.

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How will the Attorney-General's Department protect the personal information that it collects?

The information collected on the Application for Registration form, and contained on the Family Dispute Resolution Register, is protected within the secure information technology environment of the Attorney-General's Department.

All documents and files are managed within a secure document management environment.

The Attorney-General's Department must comply with the Information Privacy Principles set out in the *Privacy Act 1988*, including the requirements for the storage and security of personal information.

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Can a person be directed to supply sensitive personal, or commercial, information against their wishes?

People who wish to be 'family dispute resolution practitioners', as defined under the Family Law Act, and provide certificates under section 60I of the Act, will need to be registered. No sensitive commercial information is sought from applicants. However, applicants for registration are required to provide some personal information that might be regarded as sensitive. For example, criminal history information is needed in order to allow the Attorney-General's Department to exclude people, who may compromise the safety of vulnerable families, from the Family Dispute Resolution Register. Information on applicants' cultural and linguistic background is also sought. This information will help the Attorney-General's Department understand the composition of the family dispute resolution workforce and may inform the future workforce. The Attorney-General's Department will not share information provided by applicants on criminal history and cultural or linguistic background with third parties.

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