



General information and practice issues for Family Dispute Resolution Practitioners

This Fact Sheet provides general information about practice issues and queries that family dispute resolution (FDR) practitioners may encounter. It includes information about:

1. registration numbers
2. initial contact with party B
3. children and FDR
4. refusal to attend FDR with a particular practitioner
5. providing an FDR service from outside of Australia
6. property mediation
7. support people
8. what information needs to be updated to maintain accreditation obligations

More Fact Sheets, available on the [Information for family dispute resolution practitioners](#)' web page, provide information on practitioner obligations and service provision in accordance with legislation.

FDR practitioners should be aware of the legislation they work under when providing FDR services. Apart from each state and territory having particular requirements for child-related work, FDR practitioners should also make themselves familiar with (at least):

- [Family Law Act 1975](#) (and/or [Family Court Act 1997](#) (WA) if relevant)
- [Family Law \(Family Dispute Resolution Practitioners\) Regulations 2008](#)

FDR practitioners seeking legal information about practice issues should phone the Family Relationship Advice Line on 1800 050 321.

1. Practitioner registration numbers for section 60I certificates

One unique registration number is provided to each FDR practitioner when they meet the Accreditation Standards under the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* (the FDR Regulations). This number is valid while they are providing FDR services and continue to meet the Accreditation Standards until their accreditation is cancelled.

The registration number of the FDR practitioner who provided the FDR service is to be used on section 60I certificates regardless of whether the FDR service was provided on behalf of an organisation or independently.

All registration numbers starting with 'R000' issued under the Interim Accreditation Rules expired on 1 July 2009. FDR practitioners can contact the Practitioner Accreditation Unit on 1800 025 255 or by email to fdregistration@ag.gov.au to request their registration number be provided by email. Registration numbers will not be provided over the phone.

2. Initial contact with party B

Voice messages

When faced with situations where practitioners are unable to contact the other party directly, they should not leave messages to explain anything other than *'return the call and make an appointment'*.

Contact in writing

FDR practitioners (or someone acting for them), must attempt to contact the other party at least twice, with one contact being in writing, before a section 60I certificate is issued. 'Writing' can include by email or text. However, as FDR practitioners need to ensure they offer a reasonable choice of days and times for attendance at FDR and explain the consequence for not attending – consideration should be given to the amount of text space available if using text messaging.

Unable to contact party B

If there are no contact details for a person and the others involved in the dispute have no idea of how to find them, they can make an application to the court relying on the exception that one or more of the people to the proceeding is unable to participate effectively.

Otherwise, it is a matter for the professional judgement of an FDR practitioner as to whether it would be more appropriate, based on the individual circumstances of the case, to issue a 'not appropriate to conduct FDR'.

For example, if an FDR practitioner has conducted an intake session with Party A but not with Party B because there are no contact details available or the wrong contact details have been provided, the practitioner may consider it inappropriate to proceed to FDR given that a full screening and assessment has not been done with Party B. That is, there is lack of suitable information to determine whether it would be appropriate to proceed to FDR with.

3. Children's involvement in the FDR process

It is possible for children to be included in some form of FDR. This will be determined on a case by case basis in accordance with the age, maturity and capacity of the child. It will also depend on the circumstances of the individual dispute. This form of FDR can only occur if an FDR practitioner (or other expert available) has the appropriate skills and training.

Practitioners **must** comply with the laws in relation to child-related work in each state or territory they provide FDR services. This could mean obtaining a working with children check or national police check. Practitioners should check their requirements with relevant governing bodies.

4. Choice of FDR Practitioners

If people involved in the dispute approach different FDR practitioners and refuse to attend FDR with the other practitioner, it is a matter for the professional judgement of the FDR practitioners to determine how to proceed. For example, both practitioners may agree to be involved in aspects of the process or one practitioner may co-ordinate the process and the other provide assistance only if required.

Ultimately, if the people cannot agree on how to conduct FDR, practitioners may consider issuing a certificate stating that the other person 'refused to attend.' It may be that both practitioners issue a certificate to this effect.

5. Providing FDR services from outside of Australia

The department's view in relation to providing FDR services from overseas is that the *Family Law Act 1975* and the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* are not intended to have general extraterritorial effect. Therefore, the provision of an FDR service from anywhere outside of Australia would not fall within the terms of the legislation.

Should an accredited FDR practitioner wish to provide an FDR service from outside of Australia, they should seek their own independent legal advice prior to doing so.

6. Property mediation

The requirement in section 60I of the *Family Law Act 1975* to attempt FDR before applying to a family law court for parenting orders applies to parenting matters only.

While FDR practitioners may wish to provide property mediation to families, section 60I certificates are not required to be issued for those matters.

7. Support people in FDR

The inclusion of a support person is at the discretion of the FDR practitioner taking into consideration the individual circumstances of the case. It may be negotiated with the practitioner prior to FDR and have agreement by each party to the dispute before the session can commence. If the parties cannot agree to include a support person in the FDR session, the support person may provide support during breaks if required. If a 'specialised' support person is needed to assist a victim of family violence or a person with special needs during the FDR session, consent of both parties may not be required in those circumstances.

A practitioner should 'screen and assess' the support person to help the practitioner determine suitability to proceed to FDR.

8. Updating practitioner details

FDR practitioners are obligated under the FDR Regulations to maintain current contact and service details. Practitioners must provide all changes to those details in writing, usually by email, to the Practitioner Accreditation Unit. The contact details are:

Practitioner Accreditation Unit

Family Law Branch

Attorney-General's Department

3-5 National Circuit

BARTON ACT 2600

Ph: 1800 025 255

E-mail: fdrrregistration@ag.gov.au

Where practitioners have office assistants, it is preferred that practitioners themselves provide updates to their own details, as some information may be private and if not updated correctly, could result in their accreditation being cancelled.

More information is available on the [Information for FDR practitioners](#)' web page.