



Suspension and Cancellation of FDR Practitioner Accreditation

This Fact Sheet outlines the provisions for suspension and cancellation of the accreditation of family dispute resolution (FDR) practitioners under the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* (the Regulations). It includes information about:

1. suspension or cancellation by the Secretary
2. requested suspension or cancellation by the FDR practitioner
3. obligations of suspended practitioners
4. reinstatement of accreditation

1. Grounds for Suspension and Cancellation – by the Secretary

Under the Regulations, the accreditation of an FDR practitioner *may* be suspended or cancelled by the Secretary on a number of grounds. Some of these include:

- a practitioner failing to comply with the *Family Law Act 1975* (the Family Law Act) or any obligation imposed on the practitioner by the Family Law Act
- a practitioner failing to meet the accreditation criteria
- a practitioner knowingly giving false or misleading information, or failing to disclose material information, in order to be accredited or in purported compliance with a condition of the practitioner's accreditation
- a practitioner failing to comply with any condition of the accreditation
- a practitioner engaging in conduct that is likely to bring FDR into disrepute, or
- a practitioner being convicted/charged with child related offences and offences 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.

More information about specific grounds for suspension and cancellation of accreditation, as well as the formal notification process, can be found in the Regulations.

If a decision is made to suspend or cancel a practitioner's accreditation, the practitioner will be given written notice of the decision, including reasons for the decision. The practitioner can appeal to the Administrative Appeals Tribunal (AAT) for review.

2. Suspension or Cancellation – by request of the practitioner

Under the Regulations, a practitioner's accreditation *must be suspended* if he/she requests in writing, to do so, for the period, or until the happening of an event, specified by the practitioner. For example, a practitioner may request that their accreditation be suspended if they are out of the workforce for a lengthy period of time. Or, if a practitioner does not have access to a suitable complaint mechanism at any time, being an Accreditation Standard that must be maintained regardless of providing FDR services or not, their accreditation should be suspended until the practitioner is meeting the standards again.

Under the Regulations, a practitioner's accreditation *must be cancelled* if they request (in writing) for it to be cancelled, or if the practitioner dies.

A formal notification of suspension or cancellation of accreditation is provided to the postal address on the practitioner's record. Where an accreditation has been suspended, information is provided to the practitioner outlining the reinstatement process.

3. Obligations of suspended practitioners

The Regulations provide that a person is not considered to be accredited under the Accreditation Standards for the duration of the suspension.

Although encouraged to remain current in the field of FDR, while a practitioner's accreditation is suspended, the practitioner is not required to maintain their education, training or professional development obligation under the Regulations.

4. Reinstatement of accreditation

To ensure that practitioners meet the Accreditation Standards under the Regulations at the time of commencement, a practitioner will need to provide:

- a National Police Check (not older than four months)
- a Working with Children Check (if applicable)
- evidence of their complaints mechanism, either through employment or membership
- evidence of being covered by a policy of professional indemnity insurance to provide FDR services, and
- contact details to ensure the FDR Register is current.

When a person's accreditation is reinstated, the ongoing professional development obligations will recommence from the date of reinstatement. The practitioner will need to complete at least 24 hours of ongoing education, training or professional development in FDR in each 24 month period from reinstatement. Hours undertaken prior to this date will not be counted in the current period.

If you require more information about accreditation obligations, or the process for suspension or cancellation, contact the Practitioner Accreditation Unit on 1800 025 255 or by email to fdrregistration@ag.gov.au.