

Information pursuant to the Family Law (FDRP) Regulations 2025



Please ensure that you have read the following information prior to attending a Family Law Conference

20 Requirement to assess whether it is appropriate for persons to attend family dispute resolution sessions

- (1) In conducting family dispute resolution, an accredited family dispute resolution practitioner must determine whether it would or would not be appropriate to conduct family dispute resolution sessions, or to continue to conduct those sessions, with the parties to the dispute.
- (2) In making the determination, the practitioner must consider whether the ability of one or more of those parties to negotiate freely is affected by any of the following:
 - (a) the presence of (including a history of) family violence among the parties, or the parties and their children;
 - (b) the likely safety of the parties, or of any other person involved in the conduct of the sessions;
 - (c) the equality of bargaining power amongst the parties;
 - (d) if the dispute involves children—the risk that a child may suffer abuse;
 - (e) the emotional, psychological and physical health of the parties;
 - (f) the undue bias or influence of a person (whether or not the person is a party to the dispute) on the parties;
 - (g) any other matter that the practitioner considers has a material impact on the ability of the parties to negotiate freely.
- (3) The practitioner may conduct the sessions only if:
 - (a) the practitioner has determined, in accordance with this section, that it would be appropriate to conduct the sessions; and
 - (b) the practitioner has complied with the requirements of sections 21 and 25 in relation to the sessions.

21 Requirement to provide Information to persons attending family dispute resolution sessions

- (1) If an accredited family dispute resolution practitioner determines under section 20 that it would be appropriate for persons to attend family dispute resolution sessions, the practitioner must, before conducting those sessions, provide to each person, in writing:
 - (a) the information mentioned in subsection (2); and
 - (b) if a matter in dispute is in relation to children—the information mentioned in subsection (3).

Note: For additional requirements to give information, see sections 12B, 12G and 63DA of the Act.

- (2) For paragraph (1)(a), the information is the following:
- (a) statement that the practitioner is an accredited family dispute resolution practitioner;
 - (i) **All family dispute resolution practitioners (chairpersons) conducting Family Law Conferences at the Legal Services Commission are accredited and registered with the Attorney-General's Department. They have each undertaken training in mediation and have a background in Family Law.**
 - (b) that it is not the role of the practitioner to give people legal advice (unless the practitioner is also a legal practitioner or the advice is about procedural matters);
 - (c) the practitioner's confidentiality and disclosure obligations under section 10H of the Act;
 - (d) that, unless an exception in subsection 10J(2) or (3) of the Act applies, evidence of anything said, or an admission made, in family dispute resolution is not admissible:
 - (i) in any court (whether or not exercising federal jurisdiction); or
 - (ii) in any proceedings before a person authorised by a law of the Commonwealth or a State or Territory, or by the consent of the parties, to hear evidence;
 - (e) the practitioner's obligations to report suspected child abuse etc. under section 67ZA of the Act;
 - (f) the fees (including any hourly rate) charged by the practitioner in respect of the family dispute resolution;
 - (i) **A contribution towards costs is assessed and payable by each client who is eligible for a grant of Legal Aid. If you have a grant of legal aid for FDR, you will have received notification of your contribution in writing from Legal Services Grants Division.**
 - (ii) **Where a Statutory Charge is to be taken by the Legal Services Commission, such Statutory Charge will include a contribution being not more than one half of the cost of the chairperson. One half of the chairperson costs for the first conference is \$436. One half of the chairperson costs for a subsequent conference is \$327.**
 - (g) information about the complaints mechanism that a person accessing the family dispute resolution may use.

- (i) **The Legal Services Commission of South Australia has a complaints mechanism. Should you wish to register a complaint, you may do so in the first instance to the Team Leader of the Family Dispute Resolution Unit. If the complaint is not addressed satisfactorily in the first instance, it may be referred to the Legal Services Commission, Client Relations Officer or the Manager of the Family Law Division.**

Note: Paragraphs (c) and (d) outline the general rule that communications during family dispute resolution are confidential and not admissible in court. However, sections 10H and 10J of the Act specify exceptions to the general rule when disclosure by a family dispute resolution practitioner is permitted, including if an admission or disclosure indicates that a child has been abused or is at risk of abuse.

- (3) For paragraph (1)(b), the information is the following:
- (a) that family dispute resolution sessions must be attended if required under section 60I of the Act, unless an exclusion applies, before applying for an order under Part VII of the Act;
- (b) that, if a particular kind of certificate under subsection 60I(8) of the Act is filed, a court may take the kind of certificate into account:
- (i) when determining whether to make an order under section 13C of the Act referring the parties to family dispute resolution; or
- (ii) in relation to awarding costs (see section 117 of the Act).

22 Requirement to ensure suitability of family dispute resolution sessions

As far as possible, an accredited family dispute resolution practitioner must ensure that family dispute resolution sessions are conducted in a manner that is suited to the needs of the persons accessing the sessions.

Note: For example:

- (a) the mode of the delivery of the session, including the time the session is held and whether the session is delivered in person or online, is appropriate to the circumstances of the persons accessing the session; and
- (b) the session is delivered in a manner that supports the safe delivery of the session to those persons; and
- (c) if the session is delivered in person—the session is held in a venue that is suitable to the persons accessing the session.

23 Requirement to end family dispute resolution on request

An accredited family dispute resolution practitioner must ensure that family dispute resolution conducted by the practitioner is ended if a person accessing the family dispute resolution requests the practitioner to do so.

24 Requirements for giving certificates under subsection 60I (8) of the Act

- (1) This section sets out the requirements an accredited family dispute resolution practitioner must meet in giving a certificate to a person under subsection 60I(8) of the Act.

Note: In addition to the requirements set out in this section, the practitioner must not give a certificate under paragraph 60I(8)(aa) or (d) of the Act unless the practitioner has had regard to the matters prescribed by section 50 of this instrument for the purposes of those paragraphs.

Timeframe for giving certificate

- (2) The practitioner must not give the certificate to the person more than 12 months after the person last attended, or attempted to attend, family dispute resolution with the practitioner in relation to the issues that a Part VII order may deal with.

25 Requirement to avoid conflicts of interest

- (1) This section applies if an accredited family dispute resolution practitioner conducting, or intending to conduct, family dispute resolution:
- (a) has acted previously, or is acting, in a professional capacity (otherwise than as a family dispute resolution practitioner, a family counsellor or an arbitrator); or
 - (b) has had a previous, or has a current, commercial dealing; or
 - (c) is, or was, a personal acquaintance;

with a party to a dispute that is the subject of the family dispute resolution, or with any other party to that dispute.

- (2) The practitioner may conduct the family dispute resolution only if:
- (a) each party accessing the family dispute resolution agrees in writing; and
 - (b) in the case that paragraph (1)(a) applies—the matter in respect of which the practitioner acted, or is acting, in a professional capacity does not relate to an issue in the dispute; and
 - (c) in the case that paragraph (1)(b) or (c) applies—neither the commercial dealing or the acquaintance is of a kind that could reasonably be expected to influence the practitioner in the conduct of the family dispute resolution.

For more information, please visit the Attorney General Department website: [Family Law \(Family Dispute Resolution Practitioners\) Regulations 2025](#)

I certify that I have received and read this document:

NAME:

(print)

SIGNED: **DATE:**