

Family Dispute Resolution Chairperson Panel Agreement

This **Agreement** is between—

the **Legal Services Commission of South Australia** (the Commission)

and

..... (the FDR practitioner)
[full name]

1. It is agreed that—

- 1.1 on the signing of this Agreement by the family dispute resolution practitioner and the Commission, the Commission will appoint the practitioner to the Commission's Family Dispute Resolution Chairperson Panel and retain the practitioner on that Panel for the term of the Agreement unless the practitioner is removed from the Panel under the terms of this Agreement;
- 1.2 the family dispute resolution practitioner will provide services as a Family Dispute Resolution Chairperson in accordance with the provisions of this Agreement and the Practice Standards attached to this Agreement;

- 1.3 this Agreement operates for a term of three years from the date of the Agreement unless the family dispute resolution practitioner is removed from the Panel under the provisions of this Agreement and, at the expiration of the term of the Agreement, a subsequent Agreement may be entered into;
- 1.4 the family dispute resolution practitioner may be removed from the Family Dispute Resolution Chairperson Panel–
- a) on breach of this Agreement, or the Practice Standards attached to this Agreement, by the practitioner; or
 - b) on the commencement of a bankruptcy event, a disciplinary proceeding (under the *Legal Practitioners Act 1981* or otherwise), a proceeding to cancel or suspend accreditation under the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* or a criminal proceeding (other than a minor traffic offence) against the practitioner; or
 - c) if the Director forms the view that the family dispute resolution practitioner is no longer an appropriate person to be included on the Panel.
- 1.5 a family dispute resolution practitioner who receives written notice from the Director refusing the practitioner inclusion on the Family Dispute Resolution Chairperson Panel or removing the practitioner from the Family Dispute Resolution Chairperson Panel may, within one month of receiving the notice, appeal in writing to the Commission against the refusal or removal;
- 1.6 notice to a family dispute resolution practitioner refusing the practitioner inclusion on the Family Dispute Resolution Chairperson Panel or removing the practitioner from the Family Dispute Resolution Chairperson Panel will–
- a) in relation to a refusal of inclusion on the panel, state the reason for the refusal; or
 - b) in relation to removal from the panel, state whether the removal is pursuant to paragraph (a), (b) or (c) of clause 1.4;

- 1.7 a family dispute resolution practitioner refused inclusion on the Family Dispute Resolution Chairperson Panel or removed from the Family Dispute Resolution Chairperson Panel may, six months from the date of the notice of refusal or removal, reapply for inclusion or reinstatement on the Family Dispute Resolution Chairperson Panel;
 - 1.8 on receiving a request by a family dispute resolution practitioner, in writing, to remove their name from the Family Dispute Resolution Chairperson Panel, the Director will remove the practitioner from the Panel.
2. It is agreed that as a member of the Family Dispute Resolution Chairperson Panel the **chairperson**–
- 2.1 will maintain their accreditation as a family dispute resolution practitioner under the *Family Law (Family Dispute Resolution Practitioner) Regulations 2008* and if accreditation is not maintained will immediately notify the Commission in writing and cease working as a chairperson;
 - 2.2 will, if their accreditation is suspended or cancelled under the *Family Law (Family Dispute Resolution Practitioner) Regulations 2008*, immediately notify the Commission in writing and cease working as a chairperson;
 - 2.3 will comply with the *Family Law Act 1975* as it relates to family dispute resolution practitioners, the *Family Law (Family Dispute Resolution Practitioner) Regulations 2008* and the *Legal Services Commission Act 1977*;
 - 2.4 will undergo –
 - a) a South Australian police check every three years and on completion provide a copy of the National Police Certificate to the Commission; and
 - b) a DHS Working with Children Check every five years and on completion provide a copy of the clearance letter from the DHS screening unit to the Commission;

- 2.5 will conduct family dispute resolution conferences to the standard of care and skill expected of a person who regularly acts in the capacity in which the chairperson is engaged and who possesses the knowledge, skill and experience of a person qualified to act in that capacity;
- 2.6 will, on becoming aware of a bankruptcy event, a disciplinary proceeding (under the *Legal Practitioners Act 1981* or otherwise), a proceeding to cancel or suspend accreditation under the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* or a criminal proceeding (other than a minor traffic offence) commenced against them, notify the Commission immediately, in writing;
- 2.7 will advise the Commission, in writing, within 14 days of any change to the practitioner's e-mail address, business address or other contact details;
- 2.8 will submit a tax invoice to the Commission for work chairing a conference within three months of the conclusion of the conference;
- 2.9 will as soon as possible refund to the Commission any overpayment received from the Commission;

3. It is agreed that the Commission—

- 3.1 will, subject to clause 3.2, on receipt of a tax invoice pay the chairperson in accordance with the Commission's cost scale;
- 3.2 on receiving a tax invoice from a chairperson in relation to a particular conference—
 - a) may decline to pay the invoice if the invoice is submitted more than three months after the conclusion of the conference; and
 - b) will not pay the invoice if the invoice is submitted more than six months after the conclusion of the conference unless payment of the invoice is authorised by the Director;

- 3.3 will notify the chairperson as soon as practicable of changes to the processes, procedures or policies of the Commission relevant to family dispute resolution conferences.

signed by—

.....
Family dispute resolution
practitioner

.....
Date

.....
On behalf of the
**Legal Services Commission
of South Australia**

.....
Date

Family Dispute Resolution Chairperson Panel Practice Standards

A practitioner appointed to the Family Dispute Resolution Chairperson Panel must—

- (1) ensure that they maintain and comply with all accreditation obligations as a family dispute resolution practitioner under the *Family Law (Family Dispute Resolution Practitioner) Regulations 2008*;
- (2) apply best practice professional standards as required under the *Family Law (Family Dispute Resolution Practitioner) Regulations 2008*;
- (3) conduct conferences in the form prescribed by the Legal Services Commission including in person, by telephone or via digital platforms;
- (4) ensure they understand and implement any process or procedure necessary in respect to mandatory reporting;
- (5) at least once in each year undertake a session of training aimed specifically at the practice of chairing family dispute resolution conferences;
- (6) regularly attend meetings of chairpersons held by the Legal Services Commission;
- (7) be familiar with the Best Practice Guidelines for lawyers doing family law work prepared by the Family Law Council and Family Law Section of the Law Council of Australia;
- (8) be familiar with the National Guidelines for Independent Children's Lawyers and understand the role of an Independent Children's Lawyer in a family law matter;
- (9) be familiar with the Legal Services Commission criteria under which legal assistance may be granted;
- (10) apply appropriate and respectful workplace behaviour;
- (11) report to the Legal Services Commission in a timely manner whenever a specific report is requested;
- (12) inform the Legal Services Commission of any issues, developments or practice matters arising from a conference which may have significance for the Commission's family dispute resolution conferencing program;

- (13) on receiving a Family Dispute Resolution file –
- a) review the information provided by the family dispute resolution unit prior to the conference;
 - b) ensure that there is no conflict of interest;
 - c) do all things necessary to ensure that all materials and documents have been provided by the parties to enable the conference to proceed;
 - d) consider whether there are any factors that would render it inappropriate to convene the conference;
 - e) ensure that the parties and solicitors are aware of all Commission facilities especially in relation to security and emergency procedures;
- (14) on concluding a conference, ensure that a clear and comprehensive report is forwarded to the Legal Services Commission in a timely manner including any recommendation in respect of merit for future funding where necessary.