



# Family Law (Family Dispute Resolution Practitioners) Regulations 2025

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 6 March 2025

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Mark Dreyfus KC  
Attorney-General

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## Part 1—Preliminary

### 1 Name

This instrument is the *Family Law (Family Dispute Resolution Practitioners) Regulations 2025*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2025.	1 April 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Family Law Act 1975*.

### 4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in that Schedule, and any other item in that Schedule has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) family dispute resolution;
- (b) family dispute resolution practitioner.

In this instrument:

**accreditation**, in relation to a person, means an accreditation as a family dispute resolution practitioner under Division 2 of Part 2.

**accreditation criteria**: see subsection 8(1).

**accredited family dispute resolution practitioner**: see section 7.

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*Act* means the *Family Law Act 1975*.

***approved certified course***: a course is an ***approved certified course*** if:

- (a) a higher education provider certifies the course under subsection 38(1); and
- (b) the Secretary approves that certification under subsection 40(1); and
- (c) that approval is not revoked (see subsection 42(1)).

***approved certified units***: units of a course are ***approved certified units*** if:

- (a) a higher education provider certifies the units under subsection 38(2); and
- (b) the Secretary approves that certification under subsection 40(1); and
- (c) that approval is not revoked (see subsection 42(1)).

***approved complaints body*** means an entity that is approved by the Secretary as a complaints body under subsection 44(3).

Note: The entity may be an entity that receives government funding for the purposes of conducting family dispute resolution under the Act, or a professional association.

***Australian Qualifications Framework*** has the same meaning as in the *Higher Education Support Act 2003*.

Note: Information about the Australian Qualifications Framework can be found on the internet at <https://www.aqf.edu.au>.

***conduct*** includes an omission or failure to act.

***disqualified person***: see subsection 8(3).

***family dispute resolution session*** means a session conducted by an accredited family dispute resolution practitioner in the course of conducting family dispute resolution in which one or more persons undertaking family dispute resolution with the practitioner attend.

***graduate diploma of family dispute resolution*** means the graduate diploma of that name that is delivered by a registered training organisation (within the meaning of the *National Vocational Education and Training Regulator Act 2011*) under the Australian Qualifications Framework.

***higher education provider*** has the same meaning as in the *Higher Education Support Act 2003*.

***legal practitioner*** has the same meaning as in the *Family Law Regulations 2024*.

***register*** means the Family Dispute Resolution Register kept under section 12.

***Secretary*** means the Secretary of the Attorney-General's Department.

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## **Part 2—Accreditation rules**

### **Division 1—Introduction**

#### **6 Simplified outline of this Part**

This Part consists of the Accreditation Rules for the accreditation of persons as family dispute resolution practitioners. The Accreditation Rules are made for the purposes of section 10A of the Act.

Division 2 provides for:

- (a) the criteria that must be met by persons seeking to be accredited as family dispute resolution practitioners; and
- (b) the requirements for applications for accreditation; and
- (c) the determination by the Secretary of those applications.

Division 3 sets out the ongoing requirements that accredited family dispute resolution practitioners must meet to remain accredited.

Division 4 provides for the imposition of conditions on, and the suspension or cancellation of, accreditations.

The criteria for accreditation in respect of competencies and qualifications may, in part, be met by the completion of approved certified courses or approved certified units. Division 5 provides for the approval of the certification of such courses and units and deals with other matters in relation to them.

An ongoing requirement of accreditation is that a practitioner have access to an approved complaints body. Division 6 provides for the approval of complaints bodies and deals with other matters in relation to them.

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## Division 2—Accreditation of family dispute resolution practitioners

### 7 Meaning of *accredited family dispute resolution practitioner*

A person is an *accredited family dispute resolution practitioner* if:

- (a) the person is accredited as a family dispute resolution practitioner under this Division; and
- (b) the accreditation is not suspended or cancelled.

### 8 Accreditation criteria

#### *Accreditation criteria*

- (1) The criteria (the *accreditation criteria*) a person must meet to be accredited as a family dispute resolution practitioner are the following:
  - (a) the person has the competencies and qualifications required by section 9;
  - (b) the person has access to a complaints mechanism provided by an approved complaints body;
  - (c) the person is covered by professional indemnity insurance in relation to the functions of a family dispute resolution practitioner;
  - (d) the person is a fit and proper person to perform the functions and duties of a family dispute resolution practitioner;
  - (e) the person is not a disqualified person.

#### *Matters relevant to whether a person is fit and proper*

- (2) For paragraph (1)(d), in deciding whether a person is a fit and proper person to perform the functions and duties of an accredited family dispute resolution practitioner, the Secretary may consider the following matters:
  - (a) whether the person is prohibited under a Commonwealth, State or Territory law from working with children;
  - (b) whether the person complies with Commonwealth, State or Territory laws for the employment of persons working with children in each of the States and Territories in which the person provides, or will provide, family dispute resolution;
  - (c) whether the person has made false or misleading representations about the person's status as a family dispute resolution practitioner;
  - (d) whether the person has been subject to disciplinary action:
    - (i) in the person's capacity as a family dispute resolution practitioner; or
    - (ii) in relation to the provision by the person of family dispute resolution;
  - (e) the history of complaints (if any) against the person in relation to the provision by the person of family dispute resolution that have been substantiated by:
    - (i) an approved complaints body; or
    - (ii) any other body that has a function of considering such complaints;
  - (f) whether the person has been the subject of a disqualification in relation to a professional practice (other than family dispute resolution) conducted by the person;



- (g) whether the person has engaged in conduct that is likely to bring family dispute resolution into disrepute;
- (h) whether the person has provided false or misleading information in the person's application for accreditation under subsection 10(1) or in a response to a notice under subsection 10(4);
- (i) any other relevant matter.

*Meaning of disqualified person*

- (3) For paragraph (1)(e), a person is a **disqualified person** if the person has been convicted of:
  - (a) an offence involving violence to a person; or
  - (b) 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).
- (4) Nothing in subsection (3) affects the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

## **9 Accreditation criteria—competencies and qualifications**

- (1) For paragraph 8(1)(a), a person has the competencies and qualifications to be accredited as a family dispute resolution practitioner if the person meets the requirements of a pathway specified in subsection (2), (3), (5) or (6).

*First pathway*

- (2) The person meets the requirements of the first pathway if the person has, or is entitled to the award of:
  - (a) the graduate diploma of family dispute resolution; or
  - (b) an approved certified course.

*Second pathway*

- (3) The person meets the requirements of the second pathway if:
  - (a) the person has been assessed as being competent in either:
    - (i) the core units of competency for the award of the graduate diploma of family dispute resolution; or
    - (ii) approved certified units; and
  - (b) the person has, or is entitled to the award of, a qualification that is:
    - (i) the level in the Australian Qualifications Framework of a bachelor degree, or a higher qualification of at least 12 months full time study or the equivalent part time study; and
    - (ii) a different qualification to the qualification in respect of which the approved certified units mentioned in subparagraph (a)(ii) are undertaken; and
    - (iii) in a field or discipline that, in the opinion of the Secretary, is relevant to the provision of family dispute resolution under the Act.

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- (4) A qualification awarded overseas is covered by subparagraph (3)(b)(i) if the qualification is recognised by an Australian authority as meeting the requirements of that subparagraph.

*Third pathway*

- (5) The person meets the requirements of the third pathway if:
- (a) the person meets the requirement specified in paragraph (3)(a); and
  - (b) the person:
    - (i) is registered, as a registered practitioner, on the national register administered by the Board of the Australian Mediator and Dispute Resolution Accreditation Standards; and
    - (ii) at the time of applying for accreditation as a family dispute resolution practitioner, has been so registered for the previous continuous period of 2 years.

*Historical pathway*

- (6) The person meets the requirements of the historical pathway if:
- (a) before 1 April 2025, the person met the requirements of subregulation 5(1) or (2) of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*, as in force immediately before that day; or
  - (b) both:
    - (i) before 1 April 2025, the person met the requirements of subparagraph 5(3)(b) of those regulations, as in force immediately before that day; and
    - (ii) the person meets the requirements of paragraph (3)(b) or (5)(b) of this section; or
  - (c) the Secretary considers that the individual has demonstrated exceptional circumstances for meeting the pathway.

**10 Application for accreditation**

*Person may apply for accreditation*

- (1) A person may apply to the Secretary to be accredited as a family dispute resolution practitioner.
- (2) The application must:
- (a) be given in the manner or form approved by the Secretary (if any); and
  - (b) include the following:
    - (i) evidence about how the applicant meets the accreditation criteria;
    - (ii) a declaration that information and documents included in the application are true and correct;
    - (iii) the applicant's consent for the Secretary to verify information or documents included in the application, including information about the applicant's criminal history.
- (3) For paragraph (2)(a), the Secretary may, in writing, approve a manner or form for giving the application.

*Secretary may request additional information or documents*

- (4) The Secretary may, by written notice, request the applicant to give additional information or documents to the Secretary within a reasonable period specified in the notice. The Secretary may give more than one notice under this subsection.
- (5) The Secretary may make such a request only if the information or documents will assist the Secretary in determining whether the applicant meets the accreditation criteria.
- (6) If the Secretary requests additional information or documents, the Secretary is not required to consider the application while waiting for the information or documents to be given.
- (7) The applicant may request an extension of the period specified in the notice, and the Secretary may grant that request if the Secretary considers that an extension of the period is reasonable in the circumstances.
- (8) The application is taken to have been withdrawn if the applicant does not comply with the notice within the period specified in the notice or, if that period has been extended, the extended period.

## **11 Secretary to decide application for accreditation**

*Secretary to decide whether person meets accreditation criteria*

- (1) On receiving an application for accreditation as a family dispute resolution practitioner, and any additional information or documents requested, the Secretary must decide, as soon as practicable after the application or the information or documents are received:
  - (a) if the Secretary is satisfied that the applicant meets the accreditation criteria—to accredit the applicant as a family dispute resolution practitioner; or
  - (b) otherwise—to not accredit the applicant as a family dispute resolution practitioner.
- (2) In making the decision, the Secretary:
  - (a) must have regard to:
    - (i) the information included in the application; and
    - (ii) any information or documents accompanying the application or given in response to a request under subsection 10(4); and
  - (b) may have regard to any other relevant information.

*Notification of decision*

- (3) If the Secretary decides that the applicant meets the accreditation criteria, the Secretary must give the applicant written notice of:
  - (a) the decision to accredit the applicant as a family dispute resolution practitioner; and
  - (b) the requirements that the applicant must meet as an accredited family dispute resolution practitioner under Division 3 of this Part.

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### Division 2 Accreditation of family dispute resolution practitioners

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Note: If the Secretary imposes a condition on the applicant's accreditation under subsection 28(1), the Secretary must also give notice of that condition and the reasons for it—see section 28.

- (4) The accreditation takes effect immediately after the Secretary gives the notice to the applicant.
- (5) If the Secretary decides that the applicant does not meet the accreditation criteria, the Secretary must give the applicant written notice of:
  - (a) the decision to not accredit the applicant as a family dispute resolution practitioner and the reasons for it; and
  - (b) the applicant's review rights under section 51.

#### 12 Family Dispute Resolution Register

- (1) The Secretary must keep a register, to be known as the Family Dispute Resolution Register.

*Information to be included in the register*

- (2) The register must contain the following information about each accredited family dispute resolution practitioner:
  - (a) the name of the practitioner;
  - (b) the contact details for the practitioner;
  - (c) details of how the practitioner meets the accreditation criteria, including the following:
    - (i) the competencies and qualifications of the practitioner that are relevant to the practitioner's accreditation;
    - (ii) the approved complaints body that provides a complaints mechanism for the practitioner;
    - (iii) the professional indemnity insurance that covers the practitioner in relation to the practitioner's functions as a family dispute resolution practitioner;
  - (d) details of the conditions (if any) imposed by the Secretary on the practitioner's accreditation.
- (3) The register must also contain:
  - (a) the name and last contact details known of each person whose accreditation is suspended or cancelled; and
  - (b) a record of each application made under section 10.

*Additional information may be included in the register*

- (4) The register may contain additional information if the Secretary considers that the information is likely to be useful to users of the register.

#### 13 Family Dispute Resolution Register—certain information to be made public

- (1) The Secretary must ensure that the following information in the register about a practitioner is available to the public:
  - (a) the practitioner's name;

- (b) the contact details for each practitioner who has consented to their contact details being made available to the public.

Note: The register could in 2025 be viewed at <https://fdrr.ag.gov.au>.

- (2) For paragraph (1)(a), the Secretary may approve the substitution of the practitioner's name with an altered name or a pseudonym for the purposes of publishing that name.

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## **Division 3—Ongoing requirements of accreditation**

### **Subdivision A—Preliminary**

#### **14 General rule**

An accredited family dispute resolution practitioner must comply with:

- (a) the requirements specified in this Division; and
- (b) the conditions (if any) imposed by the Secretary on the practitioner's accreditation under section 28.

#### **15 Requirement to provide information to Secretary on request**

- (1) The Secretary may request, by written notice, an accredited family dispute resolution practitioner to provide information to the Secretary if the information is relevant to the practitioner's compliance with the requirements of this Division.
- (2) The notice must specify the period within which the information must be given to the Secretary, which must not be less than 7 days.
- (3) The practitioner may request an extension of the period specified in the notice, and the Secretary may grant that request if the Secretary considers that an extension of the period is reasonable in the circumstances.
- (4) The practitioner must comply with a request under subsection (1).

### **Subdivision B—Requirements relating to accreditation criteria**

#### **16 Requirement to notify Secretary if certain circumstances occur**

- (1) An accredited family dispute resolution practitioner must notify the Secretary, in writing, of the occurrence of any of the following circumstances:
  - (a) the practitioner has ceased to provide family dispute resolution;
  - (b) the practitioner has been prohibited under a Commonwealth, State or Territory law from working with children;
  - (c) the practitioner has failed to comply with a Commonwealth, State or Territory law relating to the employment of persons working with children;
  - (d) the practitioner has become a disqualified person;
  - (e) the practitioner has been charged with an offence that, if the practitioner were convicted, would result in a circumstance mentioned in paragraph (b), (c) or (d) occurring;
  - (f) the practitioner has ceased to have access to a complaints mechanism provided by an approved complaints body;
  - (g) the practitioner has ceased to be covered by professional indemnity insurance in relation to the practitioner's functions as a family dispute resolution practitioner;
  - (h) the practitioner has failed to comply with a condition imposed on the practitioner's accreditation under section 28;

- (i) if the practitioner met the accreditation criterion in paragraph 8(1)(a) by meeting the requirements of the third pathway specified in subsection 9(5)—the practitioner is no longer registered as mentioned in subparagraph 9(5)(b)(i);
  - (j) the practitioner has been the subject of a disqualification in relation to a professional practice (other than family dispute resolution) conducted by the practitioner;
  - (k) the approved complaints body that provides a complaints mechanism to the practitioner, as mentioned in paragraph 8(1)(b), has placed a condition on the practitioner's membership with the body;
  - (l) any other circumstance that may affect the practitioner's accreditation.
- (2) A notice under subsection (1) must be provided:
- (a) if the notice is about a circumstance mentioned in paragraph (1)(a)—by the end of the period of 28 days beginning when the circumstance first occurs; or
  - (b) otherwise—by the end of the period of 7 days beginning when the circumstance first occurs.

### **17 Requirement to update register if certain event occurs**

- (1) An accredited family dispute resolution practitioner must update the register, in the manner or form approved by the Secretary (if any), if any of the following events occurs:
- (a) the practitioner's name has changed;
  - (b) the practitioner's contact details have changed;
  - (c) there is a change in relation to the complaints mechanism the practitioner has access to, including because:
    - (i) the practitioner's membership of the approved complaints body that provides that mechanism has been renewed; or
    - (ii) the practitioner begins to have access to a complaints mechanism provided by a different approved complaints body; or
    - (iii) the practitioner no longer has access to a complaints mechanism provided by an approved complaints body;
  - (d) there is a change in relation to the professional indemnity insurance that covers the practitioner, including because:
    - (i) the insurance policy is renewed; or
    - (ii) the practitioner becomes covered by a different insurance policy; or
    - (iii) the practitioner is no longer covered by the insurance policy;
  - (e) if the practitioner that met the accreditation criterion in paragraph 8(1)(a) by meeting the requirements of the third pathway specified in subsection 9(5)—there is a change in relation to the registration mentioned in subparagraph 9(5)(b)(i), including because:
    - (i) the registration is renewed; or
    - (ii) the registration is suspended; or
    - (iii) the person is no longer registered.
- (2) For subsection (1), the Secretary may, in writing, approve a manner or form for updating the register.

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- (3) An update to the register must be made:
  - (a) for a matter mentioned in paragraph (1)(b)—within 28 days of the change occurring; or
  - (b) otherwise—within 7 days of the change occurring.

### 18 Requirement to undertake continuing professional development

- (1) An accredited family dispute resolution practitioner must:
  - (a) undertake at least 24 hours of continuing professional development that meets the requirements of subsection (2) during:
    - (i) the period of 2 years starting on the day the practitioner becomes accredited; and
    - (ii) each subsequent period of 2 years during which the practitioner is accredited; and
  - (b) make a record of each activity undertaken in compliance with paragraph (a), including a record of the days on which the activities were undertaken and the period of time spent in undertaking the activities; and
  - (c) keep the following for a period of 7 years:
    - (i) a record made under paragraph (b);
    - (ii) if a document provides evidence of the participation of the practitioner in an activity undertaken in compliance with paragraph (a)—the document (or a copy).

Note: Examples for subparagraph (1)(c)(ii) include a notice of attendance or a certificate for completing a course.

- (2) For paragraph (1)(a), continuing professional development:
  - (a) must be directly relevant to the provision of family dispute resolution; and
  - (b) must include education, training or professional development in relation to family violence; and
  - (c) may consist of any form of education, training or professional development, including (but not limited to) attending courses or seminars and reading publications.
- (3) If the Secretary becomes aware that the practitioner has failed to comply with a requirement in subsection (1), the Secretary may, by written notice, give the practitioner a specified period within which to comply with the requirement.

### Subdivision C—Requirements relating to standards of practice

#### 19 Requirement to uphold reasonable professional standards

An accredited family dispute resolution practitioner must uphold reasonable professional standards in conducting family dispute resolution.

#### 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) a statement that the practitioner is an accredited family dispute resolution practitioner;
  - (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

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- (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;
- (g) information about the complaints mechanism that a person accessing the family dispute resolution may use.

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

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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.

*Certificate about person not attending family dispute resolution*

- (3) The practitioner must not give the person a certificate under paragraph 60I(8)(a) of the Act unless the practitioner (or a person acting for the practitioner) has, at least twice, contacted (or attempted to contact) each other party or parties to the proceedings who has failed to attend, with at least one contact in writing:
- (a) giving the other party or parties a reasonable choice of days and times for attendance at a family dispute resolution session; and
  - (b) telling the other party or parties that, if they do not attend a family dispute resolution session:
    - (i) the practitioner may give a certificate under paragraph 60I(8)(a) of the Act; and
    - (ii) a court may take that certificate into account.

*Certificate given on behalf of another practitioner*

- (4) The practitioner may give the certificate to the person on behalf of another accredited family dispute resolution practitioner (the **other practitioner**) only if:
- (a) the practitioner is familiar with the case; and
  - (b) the other practitioner has become incapable of giving the certificate.

Note: The other practitioner may be incapable of giving the certificate because, for example, the practitioner has died or is unable to be contacted.

*Form of certificate*

- (5) The practitioner must not give the certificate to the person unless the certificate is in accordance with the form in Schedule 1.
- (6) The validity of:
- (a) proceedings on an application for an order under Part VII of the Act; or
  - (b) any order made in those proceedings;
- is not affected by a failure to comply with subsection (5).

## 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;

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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.

**26 Requirements in relation to records and information**

- (1) An accredited family dispute resolution practitioner must ensure that any records relating to family dispute resolution conducted by the practitioner, including case notes and files, are:
  - (a) stored securely to prevent unauthorised access to them; and
  - (b) retained for at least 24 months.
- (2) The practitioner must not use information acquired while conducting family dispute resolution for personal gain or to the detriment of any person.

Note: For the confidentiality of communications in family dispute resolution, see section 10H of the Act.

**27 Requirements in relation to providing legal advice**

An accredited family dispute resolution practitioner must not provide legal advice to a person accessing family dispute resolution provided by the practitioner unless:

- (a) the practitioner is also a legal practitioner; or
- (b) the advice is about procedural matters.

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## **Division 4—Imposition of conditions on, and suspension or cancellation of, accreditation**

### **28 Secretary may impose, vary or revoke conditions**

- (1) The Secretary may, by written notice:
  - (a) impose a condition on the accreditation of an accredited family dispute resolution practitioner; or
  - (b) vary or revoke a condition imposed on the accreditation.

Example: A condition requiring a practitioner to undertake continuing professional development following the lifting of the suspension of the practitioner's accreditation.
- (2) The notice must:
  - (a) be given to the practitioner within 7 days of making the decision; and
  - (b) include the following:
    - (i) the Secretary's reasons for imposing, varying or revoking the condition;
    - (ii) the date when the condition, or the revocation or variation of the condition, takes effect;
    - (iii) if the decision is to impose or vary a condition—what the person needs to do for the condition to be revoked;
    - (iv) information about the practitioner's review rights under section 51.
- (3) No later than 28 days before deciding to impose, or vary, a condition under subsection (1), the Secretary must, at least twice, contact (or attempt to contact) the practitioner, with at least one contact in writing, giving the practitioner an opportunity to provide comments on the intention to make the decision.

### **29 Secretary may suspend accreditation**

- (1) The Secretary may suspend an accredited family dispute resolution practitioner's accreditation if the Secretary is satisfied that:
  - (a) the practitioner:
    - (i) has failed to comply with the Act or a requirement of Division 3 of this Part; or
    - (ii) does not meet the accreditation criteria mentioned in paragraph 8(1)(a), (b), (c) or (d); or
    - (iii) has failed to comply with a condition of the practitioner's accreditation; or
    - (iv) has engaged in conduct that is likely to bring family dispute resolution into disrepute; and
  - (b) the practitioner can remedy or mitigate the failure or conduct in a reasonable time.
- (2) The Secretary may suspend the practitioner's accreditation if the practitioner has been charged with an offence that, if the practitioner is convicted, will result in the practitioner no longer meeting the accreditation criterion mentioned in paragraph 8(1)(e).

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### 30 Suspension of accreditation—notice to show cause

- (1) Before deciding to suspend an accredited family dispute resolution practitioner's accreditation under section 29, the Secretary must:
  - (a) notify the practitioner, in writing, of the intention to make the decision and the reasons for the decision; and
  - (b) request the practitioner to show cause, in writing and within a specified period of not less than 28 days, why the accreditation should not be suspended.
- (2) The Secretary must not decide to suspend the accreditation until the earlier of the following:
  - (a) when the practitioner responds to the notice;
  - (b) the end of the period specified in the notice.
- (3) In deciding whether to suspend the accreditation, the Secretary:
  - (a) must have regard to any information or documents received in response to the notice; and
  - (b) may have regard to any other matters the Secretary considers relevant.

### 31 Suspension of accreditation on request

The Secretary must suspend an accredited family dispute resolution practitioner's accreditation if the practitioner requests the Secretary, in writing, to do so.

### 32 Suspension of accreditation—notice of suspension

If the Secretary suspends an accredited family dispute resolution practitioner's accreditation under section 29 or 31, the Secretary must give the practitioner written notice of the suspension stating the following:

- (a) the reasons for, and the effect of, the suspension;
- (b) the date when the suspension takes effect;
- (c) what the practitioner must do, or the event that must occur, to lift the suspension;
- (d) that the accreditation will be cancelled if the suspension is not lifted within 5 years;
- (e) for a suspension under section 29—information about the practitioner's review rights under section 51.

Note: The Secretary must cancel an accreditation that has been suspended for at least 5 years: see paragraph 37(2)(b).

### 33 Suspension of accreditation—requirements for lifting suspension

- (1) If a person requests the Secretary, in the manner or form approved by the Secretary (if any), to lift a suspension of the person's accreditation, the Secretary must decide:
  - (a) to lift the suspension; or
  - (b) to not lift the suspension.
- (2) The Secretary may lift the suspension only if the person gives to the Secretary:

- (a) evidence about how the person:
    - (i) met the accreditation criteria in paragraph 8(1)(a) at the time of being accredited; and
    - (ii) meets the accreditation criteria in paragraphs 8(1)(b) to (e); and
  - (b) for an accreditation suspended under section 29:
    - (i) if the notice of suspension stated what the person must do to lift the suspension—evidence about how the person has complied with that requirement; or
    - (ii) if the notice of suspension stated the event that must occur to lift the suspension—evidence that the event has occurred; and
  - (c) a declaration that any information or documents provided as evidence are true and correct; and
  - (d) the person’s consent for the Secretary to verify any information or documents provided, including information about the person’s criminal history.
- (3) For paragraph (2)(a):
- (a) if the person was accredited before 1 April 2025, the person is taken to meet the requirements in section 9 of this instrument if the person met the requirements in regulation 5 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* at the time of being accredited; and
  - (b) if the person seeks to meet the requirements of the third pathway in subsection 9(5) of this instrument, the person is not required to meet the requirement at subparagraph 9(5)(b)(ii).
- (4) For subsection (2), the Secretary may, in writing, approve a manner or form for giving the evidence, declaration or consent.

### **34 Secretary may cancel accreditation**

#### *Immediate cancellation if person is a disqualified person*

- (1) The Secretary may cancel the accreditation of a person if:
- (a) the person no longer meets the accreditation criterion mentioned in paragraph 8(1)(e); or
  - (b) the person is prohibited under a Commonwealth, State or Territory law from working with children (see paragraph 8(2)(a)).

Note: In making a decision under this subsection, the Secretary is not required to undertake the show cause process set out in section 35.

#### *Cancellation subject to show cause process*

- (2) The Secretary may cancel the accreditation of a person if the Secretary is satisfied that the person:
- (a) has failed to comply with the Act or any obligation imposed on the person under the Act; or
  - (b) no longer meets the accreditation criteria mentioned in paragraph 8(1)(a), (b), (c) or (d); or
  - (c) has failed to comply with a condition of the person’s accreditation; or

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- (d) has engaged in conduct that is likely to bring family dispute resolution into disrepute; or
- (e) knowingly gave false or misleading information, or failed to disclose material information, in order to be accredited or in purported compliance with a condition of the person's accreditation.

### **35 Cancellation of accreditation—notice to show cause**

- (1) Before deciding to cancel the accreditation of a person under subsection 34(2), the Secretary must:
  - (a) notify the person, in writing, of the intention to make the decision and the reasons for the decision; and
  - (b) request the person to show cause, in writing, within a specified period of at least 28 days after the day on which the notice is given, why the accreditation should not be cancelled.
- (2) The Secretary must not decide to cancel the accreditation until the earlier of the following:
  - (a) when the person responds to the notice;
  - (b) the end of the period specified in the notice.
- (3) In deciding whether to cancel the accreditation, the Secretary:
  - (a) must have regard to any information or documents received in response to the notice; and
  - (b) may have regard to any other matters the Secretary considers relevant.

### **36 Cancellation of accreditation—notice of cancellation**

If the Secretary decides to cancel the accreditation of a person under section 34, the Secretary must give the person written notice of the cancellation stating:

- (a) the reasons for, and the effect of, the cancellation; and
- (b) the date when the cancellation takes effect; and
- (c) information about the person's review rights under section 51.

### **37 Circumstances in which Secretary must cancel accreditation**

#### *Cancellation on request or death*

- (1) The Secretary must cancel the accreditation of a person if:
  - (a) the person requests the Secretary, in writing, to do so; or
  - (b) the Secretary is satisfied that the person has died.

#### *Cancellation of suspended accreditations*

- (2) The Secretary must cancel an accreditation that is suspended if:
  - (a) the person who held the accreditation requests the Secretary, in writing, to do so; or
  - (b) the accreditation has been suspended for a continuous period of 5 years; or
  - (c) the Secretary is satisfied that the person who held the accreditation has died.



- (3) No later than 28 days before deciding to cancel an accreditation under paragraph (2)(b), the Secretary must, at least twice, contact (or attempt to contact) the practitioner, with at least one contact in writing, giving the practitioner an opportunity to provide comments on the intention to make the decision.

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## Division 5—Approved certified courses and units

### 38 Higher education providers may certify courses or units of courses

#### *Certification of courses*

- (1) A higher education provider may certify a course if:
  - (a) the course is a postgraduate qualification (other than a Bachelor Honours degree) at Australian Qualification Framework level 8 or above; and
  - (b) the course includes content that is equivalent to the content of the graduate diploma of family dispute resolution; and
  - (c) the entry and assessment requirements for students undertaking the course are equivalent to the entry and assessment requirements for students undertaking the graduate diploma of family dispute resolution; and
  - (d) the course includes work placement requirements for students that are equivalent to the work placement requirements for students undertaking the graduate diploma of family dispute resolution.

Note: If the Secretary approves the certification of the course, and that approval is not revoked, the course is an **approved certified course**: see the definition of that expression in section 5.

#### *Certification of units of courses*

- (2) A higher education provider may certify units of a course if:
  - (a) the units are undertaken as part of a course that is a postgraduate qualification (other than a Bachelor Honours degree) at Australian Qualification Framework level 8 or above; and
  - (b) the units include content that is equivalent to the content of the core units of competency of the graduate diploma of family dispute resolution; and
  - (c) the entry and assessment requirements for students undertaking the course mentioned in paragraph (a) are equivalent to the entry and assessment requirements for students undertaking the graduate diploma of family dispute resolution; and
  - (d) the course mentioned in paragraph (a) includes work placement requirements for students that are equivalent to the work placement requirements for students undertaking the graduate diploma of family dispute resolution.

Note: If the Secretary approves the certification of the units, and that approval is not revoked, the units are **approved certified units**: see the definition of that expression in section 5.

### 39 Application for approval of certification

#### *Application for certification*

- (1) A higher education provider may apply to the Secretary for approval of the certification by the provider, under section 38, of a course or units of a course.
- (2) The application must:
  - (a) be given in the manner or form approved by the Secretary (if any); and

- (b) include information that provides evidence that the requirements of subsection 38(1) or (2) (as applicable) are met.
- (3) For paragraph (2)(a), the Secretary may, in writing, approve a manner or form for giving the application.

*Secretary may request additional information or documents*

- (4) The Secretary may, by written notice, request the applicant to give additional information or documents to the Secretary within a reasonable period specified in the notice. The Secretary may give more than one notice under this subsection.
- (5) The Secretary may make such a request only if the information or documents will assist the Secretary in determining whether the requirements of subsection 38(1) or (2) (as applicable) are met.
- (6) If the Secretary requests additional information or documents, the Secretary is not required to consider the application while waiting for the information or documents to be given.
- (7) The applicant may request an extension of the period specified in the notice, and the Secretary may grant that request if the Secretary considers that an extension of the period is reasonable in the circumstances.
- (8) The application is taken to have been withdrawn if the applicant does not comply with the notice within the period specified in the notice or, if that period has been extended, the extended period.

#### **40 Secretary to decide application for approval of certification**

*Secretary to decide whether to approve certification*

- (1) On receiving an application from a higher education provider under section 39, the Secretary must decide:
- (a) to approve the certification of the course or units; or
  - (b) to refuse to approve the certification.
- (2) The Secretary must approve the certification of the course or units only if, at the time of making the decision:
- (a) if the application is for the approval of the certification of a course—the requirements of subsection 38(1) are met in respect of the course; or
  - (b) if the application is for the approval of the certification of units—the requirements of subsection 38(2) are met in respect of the units.

*Notification of decision*

- (3) If the Secretary decides to approve the certification applied for, the Secretary must give the provider written notice of the approval, and the date on which the approval takes effect.
- (4) If the Secretary decides to not approve the certification applied for, the Secretary must give the provider written notice of:
- (a) the decision and the reasons for it; and

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- (b) the provider's review rights under section 51.

*Secretary to publish list of approved certified courses and units*

- (5) The Secretary must publish and maintain a list of approved certified courses and approved certified units on the Department's website.

#### **41 Approved certified courses and units—notification requirements**

If any of the following circumstances occurs in relation to an approved certified course or approved certified units, the higher education provider that offers the course or units must notify the Secretary, in writing, as soon as possible after the circumstance first occurs:

- (a) the approved certified course no longer includes content that is equivalent to the content of the graduate diploma of family dispute resolution;
- (b) the approved certified units no longer includes content that is equivalent to the content of the core units of competency of the graduate diploma of family dispute resolution;
- (c) the entry and assessment requirements for the approved certified course, or for the course in respect of which the approved certified units are undertaken, are no longer equivalent to the entry and assessment requirements for the graduate diploma of family dispute resolution;
- (d) the work placement requirements for the approved certified course, or for the course in respect of which the approved certified units are undertaken, are no longer equivalent to the work placement requirements for the graduate diploma of family dispute resolution;
- (e) the provider stops offering the approved certified course or the approved certified units.

#### **42 Approved certified courses and units—Secretary may revoke approval**

*Circumstances in which Secretary may revoke approval of certification*

- (1) The Secretary may revoke the approval of an approved certified course or approved certified units if the provider has notified the Secretary, or the Secretary is reasonably satisfied, that a circumstance mentioned in paragraph 41(a), (b), (c) or (d) has occurred in respect of the course or units.

*Show cause procedure*

- (2) Before deciding to revoke the approval, the Secretary must:
  - (a) notify the provider, in writing, of the intention to make the decision and the reasons for the decision; and
  - (b) request the provider to show cause, in writing, within a specified period of at least 28 days after receipt of the notice, why the approval should not be revoked.
- (3) The Secretary must not decide to revoke the approval until the earlier of the following:
  - (a) when the provider responds to the notice;
  - (b) the end of the period specified in the notice.

- (4) In deciding whether to revoke the approval, the Secretary:
- (a) must have regard to any information or documents received in response to the notice; and
  - (b) may have regard to any other matters the Secretary considers relevant.

*Notification of decision*

- (5) If the Secretary decides to not revoke the approval, the Secretary must give the provider written notice of the decision.
- (6) If the Secretary decides to revoke the approval, the Secretary must give the provider written notice of:
- (a) the decision and the reasons for it; and
  - (b) the provider's review rights under section 51.
- (7) A notice under subsection (5) or (6) must be given within 7 days of making the decision.

**43 Approved certified courses and units—circumstances in which Secretary must revoke approval**

- (1) The Secretary must revoke the approval of an approved certified course or approved certified units offered by a higher education provider if:
- (a) the provider has requested the Secretary to revoke the approval; or
  - (b) the circumstance mentioned in paragraph 41(e) has occurred (the provider has stopped offering the approved certified course or approved certified units).
- (2) The Secretary must give the provider written notice of the decision to revoke the approval within 7 days of making the decision.

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## Division 6—Approved complaints bodies

### 44 Approval of complaints bodies

*Application for approval as a complaints body*

- (1) The following kinds of entity may, in the manner and form approved by the Secretary (if any), apply to the Secretary for approval as a complaints body:
  - (a) an entity that receives government funding for the purpose of conducting family dispute resolution under the Act;
  - (b) a professional association.
- (2) For subsection (1), the Secretary may, in writing, approve a manner or form for giving the application.

*Secretary to decide whether to approve entity as a complaints body*

- (3) On receiving an application under subsection (1), the Secretary must decide:
  - (a) to approve the applicant as a complaints body (an **approved complaints body**); or
  - (b) to not approve the applicant as a complaints body.
- (4) The Secretary must approve the applicant as a complaints body if:
  - (a) the applicant provides a complaints mechanism to accredited family dispute resolution practitioners for use by persons undertaking family dispute resolution with the practitioner; and
  - (b) the Secretary is satisfied that the complaints mechanism is suitable for dealing with complaints by such persons; and
  - (c) the applicant has certified, in writing, that it will comply with the requirements in section 45 in providing the complaints mechanism.

*Notification of decision*

- (5) If the Secretary decides to approve the applicant as a complaints body, the Secretary must give the applicant written notice of:
  - (a) the approval; and
  - (b) the date on which the approval takes effect.
- (6) If the Secretary decides to not approve the applicant as a complaints body, the Secretary must give the applicant written notice of:
  - (a) the decision and the reasons for it; and
  - (b) the applicant's review rights under section 51.
- (7) A notice under subsection (5) or (6) must be given within 7 days of making the decision.

*Secretary to publish list of approved complaints bodies*

- (8) The Secretary must publish and maintain a list of approved complaints bodies on the Department's website.

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## 45 Approved complaints bodies—ongoing requirements

- (1) In providing a complaints mechanism to an accredited family dispute resolution practitioner, an approved complaints body must comply with the requirements in this section.

### *Requirement to investigate complaints*

- (2) To the extent practicable, the body must accept and investigate complaints that are properly made by persons in relation to family dispute resolution being undertaken with the practitioner during the period:
  - (a) beginning on the day the practitioner is first engaged by the persons to undertake family dispute resolution with them; and
  - (b) ending no less than 12 months after the day the family dispute resolution ends.
- (3) In investigating a complaint, the body must consider whether the practitioner has contravened a requirement of the Act or this instrument.

### *Requirements if complaint is substantiated*

- (4) If a complaint is substantiated by the body, the body may arrange supervisory services to be provided to the practitioner for the purpose of improving the practitioner's capacity to provide family dispute resolution, including services that involve coaching, mentoring and training.
- (5) The body may arrange supervisory services for the practitioner under subsection (4) only if the body is satisfied it is appropriate to do so.

### *Requirement to provide information to Secretary about substantiated complaints*

- (6) If the body considers, because of the seriousness of a substantiated complaint against a practitioner, that the practitioner may no longer be suitable to be an accredited family dispute resolution practitioner, the body must notify the Secretary, in writing and within a reasonable period, of the substantiated complaint.
- (7) Without limiting subsection (6), in considering the seriousness of a substantiated complaint, the body must take into account the following
  - (a) whether the substantiated complaint involves a material contravention of section 20 or 25;
  - (b) whether, in response to the complaint, the body considers that it is necessary to arrange for the supervision of, or further training and professional development for, the practitioner.
- (8) If either of the following circumstances occurs, the body must notify the Secretary, in writing, of the circumstance and the date on which it occurred:
  - (a) the body ceases to provide a complaint mechanism to an accredited family dispute resolution practitioner for access by persons undertaking family dispute resolution with the practitioner;
  - (b) the body ceases to provide services as an approved complaints body.

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**46 Approved complaints bodies—Secretary may impose conditions on approval**

- (1) The Secretary may impose a condition on the approval of a complaints body if the Secretary is satisfied that the body:
  - (a) has not complied with a requirement in section 45; and
  - (b) can remedy or mitigate the failure or conduct in a reasonable time by complying with the condition.

*Show cause procedure*

- (2) Before deciding to impose the condition, the Secretary must:
  - (a) notify the body, in writing, of the decision and the reasons for the decision; and
  - (b) request the body to show cause, in writing, within a specified period of at least 28 days after receipt of the notice, why the condition should not be imposed.
- (3) The Secretary must not decide to impose the condition until the earlier of the following:
  - (a) when the body responds to the notice;
  - (b) the end of the period specified in the notice.
- (4) In deciding whether to impose the condition, the Secretary:
  - (a) must have regard to any information or documents received in response to the notice; and
  - (b) may have regard to any other matters the Secretary considers relevant.

*Notification of decision*

- (5) If the Secretary decides to not impose the condition, the Secretary must give the body written notice of the decision.
- (6) If the Secretary decides to impose the condition, the Secretary must give the body written notice of:
  - (a) the decision and the reasons for it; and
  - (b) the body's review rights under section 51.
- (7) A notice under subsection (5) or (6) must be given within 7 days of making the decision.

**47 Approved complaints bodies—Secretary may revoke approval**

- (1) The Secretary may revoke the approval of an approved complaints body if the Secretary is satisfied that the body has not complied with:
  - (a) a requirement in section 45; or
  - (b) a condition imposed on the approval under section 46.

*Show cause procedure*

- (2) Before deciding to revoke the approval, the Secretary must:
  - (a) notify the body, in writing, of the decision and the reasons for the decision; and



- (b) request the body to show cause, in writing, within a specified period of at least 28 days after receipt of the notice, why the approval of the body should not be revoked.
- (3) The Secretary must not decide to revoke the approval until the earlier of the following:
  - (a) when the body responds to the notice;
  - (b) the end of the period specified in the notice.
- (4) In deciding whether to revoke the approval, the Secretary:
  - (a) must have regard to any information or documents received in response to the notice; and
  - (b) may have regard to any other matters the Secretary considers relevant.

*Notification of decision*

- (5) If the Secretary decides to not revoke the approval, the Secretary must give the body written notice of the decision.
- (6) If the Secretary decides to revoke the approval, the Secretary must give the body written notice of:
  - (a) the decision and the reasons for it; and
  - (b) the body's review rights under section 51.
- (7) A notice under subsection (5) or (6) must be given within 7 days of making the decision.

**48 Approved complaints bodies—circumstances in which Secretary must revoke approval**

- (1) The Secretary must revoke the approval of an approved complaints body if:
  - (a) the Secretary receives a notice from the body under paragraph 45(8)(b) that the body has ceased to provide services as an approved complaints body; or
  - (b) the Secretary is satisfied that the body has ceased to provide such services.
- (2) The Secretary must give the body written notice of the decision to revoke the approval within 7 days of making the decision.

## Part 3—Other matters

### 49 Simplified outline of this Part

This Part prescribes matters a family dispute resolution practitioner must have regard to in giving a certificate under paragraph 60I(8)(aa) or (d) of the Act.

This Part also provides for the review of decisions by the Administrative Review Tribunal.

### 50 Section 60I certificates—prescribed matters

For the purposes of paragraphs 60I(8)(aa) and (d) of the Act, the matters mentioned in subsection 20(2) of this instrument (matters to be considered in determining whether the parties to a dispute have the ability to negotiate freely) are prescribed.

**Note:** A family dispute resolution practitioner must have regard to these matters in considering whether it is appropriate to conduct, or to continue to conduct, family dispute resolution sessions with an applicant for an order in proceedings under Part VII of the Act.

### 51 Review by Administrative Review Tribunal

An application may be made to the Administrative Review Tribunal for the review of the following decisions:

- (a) a decision under paragraph 11(1)(b) to not accredit a person as a family dispute resolution practitioner;
- (b) a decision under paragraph 28(1)(b) to impose or vary a condition on the accreditation of an accredited family dispute resolution practitioner;
- (c) a decision under subsection 29(1) to suspend the accreditation of a person;
- (d) a decision under paragraph 33(1)(b) to not lift a suspension of a person's accreditation;
- (e) a decision under subsection 34(1) or (2) to cancel the accreditation of a person;
- (f) a decision under paragraph 40(1)(b) to not approve the certification by a higher education provider of a course or units of a course;
- (g) a decision under subsection 42(1) to revoke the approval of the certification by a higher education provider of a course or units of a course;
- (h) a decision under paragraph 44(3)(b) to not approve an entity as an approved complaints body;
- (i) a decision under subsection 46(1) to impose a condition on the approval of a complaints body;
- (j) a decision under subsection 47(1) to revoke the approval of an approved complaints body.

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## **Part 4—Transitional arrangements**

### **Division 1—Transitional provisions in relation to the commencement of this instrument**

#### **52 Definitions**

In this Division:

*commencement time* means the time the *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* commences.

*old regulations* means the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*, as in force immediately before the commencement time.

#### **53 Accredited family dispute resolution practitioners**

*Transitional—existing accreditations*

- (1) At the commencement time, a person is taken to be an accredited family dispute resolution practitioner for the purposes of this instrument if, immediately before that time:
  - (a) the person is an accredited family dispute resolution practitioner (within the meaning of the old regulations); and
  - (b) that accreditation is not suspended or cancelled.

*Accreditations suspended under the old regulations—lifting of suspensions*

- (2) If, immediately before the commencement time, the accreditation of a person under the old regulations is suspended:
  - (a) the period of the suspension is taken to commence at the commencement time; and
  - (b) the suspension may be lifted under section 33 of this instrument within the 5-year period beginning at the commencement time; and
  - (c) if the suspension is lifted, the person is taken to be an accredited family dispute resolution practitioner for the purposes of this instrument.

Note: If the suspension is not lifted before 1 April 2030, the Secretary must cancel the accreditation: see paragraph 37(2)(b).

- (3) If the person requests the Secretary to lift the suspension under section 33:
  - (a) paragraph 33(2)(b) does not apply; and
  - (b) the person must give to the Secretary:
    - (i) if the notice of suspension under regulation 20 of the old regulations stated what the person must do to end the suspension—evidence about how the person has complied with the requirement; and
    - (ii) if the notice of suspension under regulation 20 of the old regulations stated the event that must occur to end the suspension—a statement as to whether the event has occurred.

Section 54

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**54 Applications for accreditation made, but not determined, before the commencement time**

Despite the repeal of the old regulations by this instrument, the old regulations continue to apply after the commencement time to an application for accreditation made before but not determined by that time, as if the repeal had not happened.

**55 Board of the Australian Mediator and Dispute Resolution Accreditation Standards**

This instrument applies as if a reference to the registration of a person as a registered practitioner on the national register administered by the Board of the Australian Mediator and Dispute Resolution Accreditation Standards includes a reference to the accreditation of a person under the National Mediator Approval Standards (within the meaning of the old regulations).

**56 Approved certified courses and approved certified units**

- (1) This section applies in relation to a person who makes an application under section 10 during the 2-year period that begins at the commencement time.
- (2) The applicant may meet the criterion in paragraph 9(2)(b) if, at the time of making the application, the applicant has, or is entitled to the award of, either:
  - (a) an approved certified course; or
  - (b) a certified postgraduate award (within the meaning of the old regulations).
- (3) The applicant may meet the criterion in subparagraph 9(3)(a)(ii) (including because the applicant is seeking to meet that requirement in paragraph 9(5)(a)) if, at the time of making the application, the applicant has either:
  - (a) been assessed as being competent in approved certified units; or
  - (b) completed the units of a postgraduate degree or diploma certified by a higher education provider under subregulation 8(1) of the old regulations.

**57 Approved complaints bodies**

During the 6-month period that begins at the commencement time:

- (a) a person is taken to have met the criterion mentioned in paragraph 8(1)(b) of this instrument if the person has access to a suitable complaints mechanism, as mentioned in paragraph 6(1)(c) of the old regulations; and
- (b) a reference to an approved complaints body in this instrument is taken to include a reference to the suitable complaints mechanism.

**58 Family Dispute Resolution Register**

- (1) A reference in paragraph 12(3)(a) to a person whose accreditation is suspended or cancelled includes a reference to a person if:
  - (a) the person was an accredited family dispute resolution practitioner (within the meaning of the old regulations) on or after 30 June 2022; and
  - (b) immediately before the commencement time, the person's accreditation was suspended or cancelled.

- (2) A reference in paragraph 12(3)(b) to an application includes a reference to an application made under section 9 of the old regulations on or after 30 June 2022.

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## Schedule 1—Section 60I certificates

Note: See subsection 24(5).

### Certificate by accredited family dispute resolution practitioner— section 60I of the *Family Law Act 1975* (Cth)

#### *Dispute about matters that may be dealt with under Part VII of the Act between*

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*The name of the person to whom the certificate is given*

*in relation to*

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*The matters in dispute that may be dealt with by the Part VII order (“the order”)*

I, \_\_\_\_\_,

state (select only one of the following paragraphs and strike through or delete the other paragraphs):

- (a) due to the refusal, or the failure, of the other party or parties to the proceedings to attend, \_\_\_\_\_ did not attend family dispute resolution with me and the other party or parties to the proceeding in relation to the issue or issues that the order would deal with.
- (b) \_\_\_\_\_ did not attend family dispute resolution with me and the other party or parties to the proceedings in relation to the issue or issues that the order would deal with, because I consider, having regard to the matters prescribed by section 50 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* for the purposes of paragraph 60I(8)(aa) of the Act, that it would not be appropriate to conduct the proposed family dispute resolution.
- (c) \_\_\_\_\_ attended family dispute resolution with me and the other party or parties to the proceedings in relation to the issue or issues that the order would deal with, and that all attendees made a genuine effort to resolve the issue or issues.
- (d) \_\_\_\_\_ attended family dispute resolution with me and the other party or parties to the proceedings in relation to the issue or issues that the order would deal with, but that \_\_\_\_\_ (party or parties) did not make a genuine effort to resolve the issue or issues.
- (e) \_\_\_\_\_ began attending family dispute resolution with me and the other party or parties to the proceedings in relation to the issue or issues that the order would deal with, but that I consider, having regard to the matters prescribed by section 50 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* for the purposes of paragraph 60I(8)(d) of the Act, that it would not be appropriate to continue the family dispute resolution.

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Signature

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Registration number

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Organisation, if applicable

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Date of certificate

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Date of last attempted attendance at family dispute resolution (for (a) or (b))

OR

Date of last attendance at family dispute resolution (for (c), (d) or (e))

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## **Schedule 2—Repeals**

### ***Family Law (Family Dispute Resolution Practitioners) Regulations 2008***

#### **1 The whole of the instrument**

Repeal the instrument.