



**FREQUENTLY ASKED QUESTIONS
ACCREDITATION AND THE FAMILY DISPUTE RESOLUTION
REGISTER**

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Accreditation

What is the accreditation system for family dispute resolution practitioners?

Family dispute resolution practitioners who wish to provide family dispute resolution and issue section 60I certificates under the *Family Law Act 1975* must meet the Accreditation Standards set out in the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*.

To be accredited under the Accreditation Standards a person must:

- have completed the full *Vocational Graduate Diploma of Family Dispute Resolution* (or the *higher education provider* equivalent);
or
- have an *appropriate qualification* **or** accreditation under the *National Mediation Accreditation Scheme* **and** competency in the six compulsory units from the *Vocational Graduate Diploma of Family Dispute Resolution* (or the *higher education provider* equivalent);
or
- have been included in the Family Dispute Resolution Register before 1 July 2009 **and** demonstrate competency in the *three specified units* of the *Vocational Graduate Diploma of Family Dispute Resolution* (or *higher education provider* equivalent). A person included in the Register before 1 July 2009 has until 30 June 2011 to achieve competency in the three units.

How long will it take to be accredited under the Accreditation Standards?

The Attorney-General's Department will accredit all applicants who meet the Accreditation Standards as quickly as possible. Completed applications are processed in order of receipt.

If an incomplete application for accreditation is provided to the Attorney-General's Department, additional information will be sought from the applicant, which may delay the accreditation process.

What is the difference between accreditation and registration?

An accredited family dispute resolution practitioner is an individual that has met the Accreditation Standards in the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*.

The Department maintains details in the Register of those practitioners accredited under the Accreditation Standards and therefore able to issue certificates.

Will experienced practitioners be required to obtain additional skills and/or qualifications to meet the Accreditation Standards?

The Accreditation Standards are based on new competency based qualifications (Vocational Graduate Diploma of Family Dispute Resolution) that have been developed for the family relationships sector.

The skills and experience of experienced practitioners are recognised by the Accreditation Standards. However all practitioners that were included in the Register before 1 July 2009 will need to be assessed to ensure they have demonstrated competency in three specified units (of the six compulsory units) of the Vocational Graduate Diploma. A person included in the register before 1 July 2009 has until 30 June 2011 to achieve competency in the three specified units of the Vocational Graduate Diploma of Family Dispute Resolution (CHC80208).

The specified units are:

- Responding to family and domestic violence in family work
- Creating a supportive environment for the safety of vulnerable parties in dispute resolution
- Operating in a family law environment

For more information about the qualifications visit the Community Services & Health Industry Skills Council website at www.cshisc.com.au.

The [National Training Information Service](#) website is updated from time to time to show registered training organisations able to deliver this training.

The Regulations also allow for higher education providers to certify that the postgraduate course or units they provide are equivalent to those in the Vocational Graduate Diploma. The list of certified higher education providers is available on the Family Dispute Resolution FAQ and Resources Downloads page from the Attorney-General's Department's website at www.ag.gov.au/fdrproviders.

Does training undertaken to meet the Accreditation Standards contribute towards the requirement for accredited family dispute resolution practitioners to undertake education, training and professional development under the Regulations?

No. Training that a practitioner may have undertaken to meet the Accreditation Standards does not contribute towards the requirement for accredited practitioners to undertake education, training and professional development under the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* because the person that did the training was not (or has not yet been) accredited.

The requirement to undertake education, training and professional development comes into effect once the practitioner is actually accredited.

Are the FDR Training Group training materials available to practitioners upon request?

The FDR Training Group will make the student training material available to practitioners upon request (ie, training material distributed to practitioners that undertook face to face training under the subsidy scheme in SA). It will charge \$100 for Module 1 material (Operate in family law environment) and \$150 for Module 2 material (Respond to family and domestic violence; and create a supportive environment for safety of vulnerable parties). Practitioners will also need to pay postage.

Which criminal convictions disqualify someone from accreditation as a family dispute resolution practitioner?

A person is disqualified from accreditation as a family dispute resolution practitioner if the person has been convicted of:

- an offence involving violence to a person, or
- a sex-related offence, including rape, sexual assault, indecent assault, unlawful sexual acts with or upon minors, child pornography, procuring or trafficking of a child for indecent purposes, or being knowingly concerned with the prostitution of a child.

What evidence must practitioners provide to demonstrate that they have not been convicted of relevant criminal convictions?

Practitioners must attach evidence with their completed application for accreditation form to show that they have not been convicted of offences involving violence to a person, or a sex-related offence which would disqualify them from accreditation as a family dispute resolution practitioner.

Suitable evidence of compliance in this area is a **current National Police Check**. Information about how to apply for a National Police Check, including fees and links to the National Police Check application form and completion guide is available from the Australian Federal Police website at www.afp.gov.au.

When completing the National Police Check application form, practitioners are required to enter a **code number** which relates to the purpose for which the police check is being sought. All family dispute resolution practitioners must **select code number 28** which relates to 'Care, instruction or supervision of children' within the category 'Commonwealth purpose/employment'. Please refer to the National Police Check application completion guide, at www.afp.gov.au, for more information.

What is regarded as 'current' with respect to a police check?

A police check is only 'current' or valid as at the date it is conducted. It is expected that practitioners will make every effort to obtain the most recent police check possible and attach evidence of this to their application for accreditation.

Accredited practitioners are also reminded of their obligations, as set out in Regulation 13 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*, to advise the Department of a change in circumstances or matters that may affect their accreditation. Failure to do so could result in a practitioner being suspended or having their accreditation cancelled.

Do practitioners need to comply with laws relating to working with children?

Yes. A person will not be accredited if they have been prohibited from working with children. A practitioner must also comply with the laws for employment of persons working with children in each of the States or Territories in which the practitioner provides family dispute resolution services irrespective of whether they actually work with children.

What evidence must practitioners provide to demonstrate compliance with laws relating to working with children?

The requirement for suitability checks for staff and volunteers working with children and young people varies greatly across Australia. Practitioners should first consult the appropriate State or Territory legislation.

If practitioners meet the criteria specified in the appropriate State/Territory legislation to enable a **Working With Children check** to be obtained within the State or Territory in which the practitioner provides family dispute resolution services, then evidence of this must be provided in the first instance, for example **a copy of the Working With Children check card or assessment notice**.

If practitioners are **unable to apply** for a **Working With Children check** in the State/Territory in which they work, for example, because they don't meet the specified criteria in the relevant State/Territory legislation or no relevant State/Territory legislation applies, then a **National Police Check** must be obtained and provided as evidence of compliance.

Information about how to apply for a National Police Check, including fees and links to the National Police Check application form and completion guide is available from the Australian Federal Police website at www.afp.gov.au

When completing the National Police Check application form, practitioners are required to enter a **code number** which relates to the purpose for which the police check is being sought. All family dispute resolution practitioners must **select code number 28** which relates to 'Care, instruction or supervision of children' within the category 'Commonwealth purpose/employment'. Please refer to the National Police Check application completion guide, at www.afp.gov.au, for more information.

What complaints mechanism can practitioners use?

To meet the Accreditation Standards, practitioners must have access to a complaints mechanism/s that will cover *all* family dispute resolution services they provide. The intention of a complaints mechanism is that there will be a process which is independent from the practitioner to deal with complaints. Examples of complaints mechanisms include:

- internal complaints mechanism established by an organisation of which the practitioner is an affiliate or employee or on whose behalf the practitioner provides services
- a complaints mechanism established by a professional association of which the practitioner is a member
- complaints procedures of statutory bodies established by the Commonwealth, a State or Territory.

It is more appropriate for family dispute resolution practitioners operating as individuals or small businesses to use a complaints mechanism established by a professional association of which the practitioner is a member. Internal complaints mechanisms should not be used unless sufficient independence of process can be demonstrated.

Practitioners are expected to observe guiding principles of accessibility, fairness, accountability, efficiency, and effectiveness in developing appropriate complaints mechanisms. Further information about benchmarks and guiding principles and standards in complaints mechanisms can be obtained by accessing the following information: *A New Accreditation System, Family Dispute Resolution Practitioners*, NADRAC, March 2007 (page 8-10).

Is there a general complaints system run by the Attorney-General's Department that I can use to support my practice?

The Attorney-General's Department does not operate a complaints system. Practitioners are required to provide information about which complaints mechanism people will have access to at the time of making an application to be accredited.

Do practitioners need to have professional indemnity insurance?

Yes. All family dispute resolution practitioners must be covered by professional indemnity insurance or demonstrate how statutory indemnity applies.

In many instances, practitioners will be covered by the professional indemnity insurance of their employer. For example, practitioners that work for a family dispute resolution service funded under the Australian Government Family Relationship Services Program or the legal aid commissions. If uncertain, practitioners should check with their employer. Practitioners may also have access to professional indemnity insurance through their membership of an appropriate body.

What is the National Mediator Accreditation System?

The National Mediator Accreditation System provides a base level of accreditation for all mediators in Australia, irrespective of their field of work. Specific requirements that are relevant to particular fields may be imposed by other accreditation schemes, such as the accreditation scheme for family dispute resolution practitioners.

The National Mediator Accreditation System is an industry based voluntary accreditation system. It is underpinned by Approval Standards which govern the accreditation of mediators and Practice Standards which guide their conduct. Accreditation is carried out by Recognised Mediator Accreditation Bodies in accordance with the Standards.

How do I become accredited under the National Mediator Accreditation System?

To become accredited under the National Mediator Accreditation System, mediators must generally have completed a mediation training course and assessment, and must meet continuing accreditation requirements. If you are interested in becoming accredited under the National Mediator Accreditation System, you can approach a Recognised Mediator Accreditation Body for further information and forms. Information about the National Mediator Accreditation System and a list of Recognised Mediator Accreditation Bodies can be found out on the National Alternative Dispute Resolution Advisory Council website www.nadrac.gov.au

Can practitioners accredited under the National Mediator Accreditation System issue certificates under section 60I of the Act?

No. Only family dispute resolution practitioners accredited under the Accreditation Standards may issue certificates under s60I of the Family Law Act. National Mediator Accreditation System accreditation does not give practitioners this ability.

Can I become accredited under both the National Mediator Accreditation System and the accreditation system for family dispute resolution practitioners?

Yes. Practitioners may opt to become accredited under both the National Mediator Accreditation System and the Accreditation Standards for family dispute resolution practitioners. If you are accredited under the National Mediator Accreditation System and wish to become an accredited family

dispute resolution practitioner under the Accreditation Standards, you will be required to demonstrate competency in the six compulsory units of the Vocational Graduate Diploma of Family Dispute Resolution. If you are already an accredited family dispute resolution practitioner and wish to become accredited under the National Mediator Accreditation System, it is likely that you will be able to meet the training and experience requirements for that National Mediator Accreditation System accreditation.

Who decides if a person is eligible to be accredited as a family dispute resolution practitioner? Is there any way to appeal a decision?

The Secretary of the Attorney-General's Department may accredit a person if he or she meets the requirements for accreditation set out in the Regulations. If the Secretary decides not to accredit an applicant, the person will be given written notice of the Secretary's decision and the reasons for it, and inform him or her of their right to seek a review of the Secretary's decision.

An applicant may apply to the Administrative Appeals Tribunal for a review of the Secretary's decision not to accredit the applicant. When reviewing a decision, the Administrative Appeals Tribunal generally has the same powers as the person or body that made the original decision and may, if it considers it appropriate, vary or substitute its own decision for the original decision. The Administrative Appeals Tribunal will look at the merits of the decision, that is, whether it was 'the correct and preferable decision'.

Decisions of the Administrative Appeals Tribunal may be appealed to the Federal Court on questions of law.

What are my ongoing accreditation requirements?

Accreditation as a family dispute resolution practitioner is subject to the following conditions:

- a) compliance with any request for information by the Secretary of the Attorney-General's Department
- b) notification to the Secretary about any change in the person's name and contact details within 28 days of the change
- c) notification, within 7 days of the occurrence of the event, to the Secretary about any matter that may affect the person's accreditation, including in relation to:
 - (i) complying with State/Territory laws relating to employment of persons working with children
 - (ii) criminal convictions
 - (iii) ceasing to provide family dispute resolution services
 - (iv) ceasing to have access to a complaints mechanism/s

The Secretary may, by notice in writing, add, vary or revoke a condition of accreditation.

What are my ongoing professional development requirements?

Accredited family dispute resolution practitioners must undertake at least 24 hours of education, training or professional development in family dispute resolution in every two year period from the date of accreditation.

How do I prove that I have completed the requirements of ongoing professional development?

Practitioners should maintain relevant documentation of any education, training or professional development they have completed by way of, for example, a log book. Such documentation should be provided to the Attorney-General's Department for audit purposes.

What professional standards must I uphold?

Accredited family dispute resolution practitioners must uphold reasonable professional standards in the provision of family dispute resolution services.

The Family Dispute Resolution Register

Use of Information collected by the Attorney-General's Department

Why does the Attorney-General's Department collect information about family dispute resolution practitioners?

The Department collects the information requested in the application for accreditation form to allow it to:

- assess suitability for accreditation as a family dispute resolution practitioner for the purpose of issuing certificates under section 60I of the Family Law Act, including:
 - checking qualifications
 - ability to work with children according to State and Territory laws, and
 - criminal history
- enable the public to locate an accredited family dispute resolution practitioner
- enable the Department and the courts to verify that certificates issued under section 60I of the Act are issued by accredited practitioners, and
- compile reports on workforce statistics relating to the community services sector.

This is authorised by section 10A of the Act.

Will personal information in the Family Dispute Resolution Register be used for any other purpose?

Except where permitted under existing legislation, all information in the Family Dispute Resolution Register will be used for the purposes outlined above.

The Attorney-General's Department will collect, use and share information only in accordance with the requirements of the *Privacy Act 1988*. The Privacy Act protects people's personal information by requiring Commonwealth and ACT government agencies to comply with 11 Information Privacy Principles. The Information Privacy Principles cover the collection, use and disclosure, quality and security of personal information.

Who will be authorised to receive information from the Family Dispute Resolution Register and for what purposes?

The Public

Accredited practitioners are included in the Family Dispute Resolution Register.

When accredited, contact and access information about family dispute resolution practitioners may be made available to the public online through the Register.

Details about family dispute resolution practitioners will *only* be publicly available with the practitioner's consent but will be available through secure access to court staff for the purposes of checking the validity of family dispute resolution certificates.

The Family Dispute Resolution Register can be publicly accessed through Family Relationships Online.

Family Relationships Online is a national service and resource finder for the family relationships sector. It provides public access to information about family relationships and separation, including information about a wide range of services that may assist families. Staff working on the Family Relationship Advice Line access information on Family Relationships Online to identify services that are most appropriate to callers' needs and to make referrals. The services information in Family Relationships Online is also available to other service providers for referral purposes.

Attorney-General's Department

The Attorney-General's Department will use the information provided by practitioners for inclusion in the Family Dispute Resolution Register for purposes that include:

- assessing the suitability of applicants for accreditation as family dispute resolution practitioners

- enabling the Department to verify that certificates provided under section 60I of the Act are issued by accredited family dispute resolution practitioners
- compiling reports on workforce statistics relating to the family dispute resolution workforce, and
- monitor compliance with conditions of accreditation.

The Courts

Courts that deal with Family Law matters, such as the Family Court of Australia, the Family Court of Western Australia, and the Federal Magistrates Court, will be authorised to access *some* information in the Family Dispute Resolution Register to verify that certificates provided under section 60I of the Family Law Act are issued by accredited family dispute resolution practitioners. The courts will have access to the names of practitioners included on the Family Dispute Resolution Register, the organisation for which they provide services (if any) and the registration number of the practitioner.

How will the Attorney-General's Department protect the personal information that it collects?

The information collected on the application form, and contained on the Family Dispute Resolution Register, is protected within the secure information technology environment of the Attorney-General's Department.

All documents and files are managed within a secure document management environment.

The Attorney-General's Department must comply with the Information Privacy Principles set out in the *Privacy Act 1988*, including the requirements for the storage and security of personal information.

Can a person be directed to supply sensitive personal, or commercial, information against their wishes?

People who wish to be 'family dispute resolution practitioners', as defined under the Family Law Act, and provide certificates under section 60I of the Act, will need to be accredited. Accredited practitioners are included in the Family Dispute Resolution Register. No sensitive commercial information is sought from applicants. However, applicants for accreditation are required to provide some personal information that might be regarded as sensitive. For example, criminal history information is needed in order to allow the Attorney-General's Department to exclude people, who may compromise the safety of vulnerable families, from the Family Dispute Resolution Register. The Attorney-General's Department will not share information provided by applicants on criminal history with third parties.