



Australian Government
Attorney-General's Department

Guide to completing an Application for Accreditation as a Family Dispute Resolution Practitioner

Final Accreditation Standards

All family dispute resolution practitioners must meet the final accreditation standards by 1 July 2009.

Eligible practitioners who wish to apply for accreditation as a family dispute resolution practitioner under the final accreditation standards should complete the *'Application for Accreditation as a Family Dispute Resolution Practitioner Final Accreditation Standards'*.

A completed application form, and the other items required in the checklist available at the end of this guide, should be forwarded to:

Practitioner Registration Unit
Dispute Management Family Pathways
Access to Justice Division
Attorney-General's Department
National Circuit Barton ACT 2600

If you require further information or assistance, please contact the Attorney-General's Department's Practitioner Registration Unit by telephone on 1800 025 255 or by email to: fdrregistration@ag.gov.au.

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Application for Accreditation as a Family Dispute Resolution Practitioner

The application package for accreditation as a family dispute resolution provider contains:

- the application form, *Application for Accreditation as a Family Dispute Resolution Practitioner Final Accreditation Standards*
- a Commonwealth Statutory Declaration, and
- this guide

Please read this guide when completing the application form.

Other information about accreditation and registration, including about your obligations as a family dispute resolution practitioner, is available from www.ag.gov.au/fdrproviders.

Accreditation requirements for registration

A new accreditation system is being phased in so that people providing family dispute resolution under the *Family Law Act 1975* meet a set of nationally consistent standards. Interim Accreditation Rules were introduced on 1 July 2007 while new rules based on national competency standards were being developed.

All practitioners will need to meet the requirements of the final Accreditation Standards for family dispute resolution practitioners to continue to be ‘family dispute resolution practitioners’ and be able to issue family dispute resolution certificates.

Interim accreditation rules

Until 30 June 2009, family dispute resolution practitioners seeking to be registered on the Family Dispute Resolution Register can meet the interim Accreditation Rules. The interim Accreditation Rules are set out in the *Family Law Regulations 1984*.

Final Accreditation Standards

From 1 January 2009, family dispute resolution practitioners are also able to demonstrate that they meet the final accreditation standards.

All family dispute resolution practitioners will need to meet the final accreditation standards before 1 July 2009. This includes those practitioners currently registered under the interim Accreditation Rules and those authorised to provide family dispute resolution on behalf of a registered family dispute resolution organisation.

The final Accreditation Standards are set out in the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*.

Further information is available from www.ag.gov.au/fdrproviders.

Completing the application form

Section A – Name and personal contact details

All applicants must complete Section A
(Questions 1-8)

In this section please provide your title, first name and family name, your personal postal address, contact telephone number/s and the e-mail address/es to which the Attorney-General's Department can send notifications and other important information relating to your accreditation and registration.

Section B – Child-related employment and working with children

All applicants must complete Section B
(Questions 9 and 10)

To be accredited under the final Accreditation Standards a person must not be prohibited from working with children and must comply with the laws for employment of persons working with children in each of the States or Territories in which the person provides family dispute resolution services, irrespective of whether you actually work with children.

You must attach evidence with your completed application form to show that you have complied with the applicable laws.

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.

Section C – Criminal convictions

All applicants must complete Section C
(Questions 11 and 12)

A person who has been convicted of an offence involving violence to a person or a sex-related offence is disqualified from accreditation.

You must attach evidence with your completed application form to show that you have not been convicted of such an offence.

Suitable evidence of compliance for this section is a current National Police Check. If you are not sure if you have a current **National Police Check**, you may wish to check with your employer in the first instance. If you do not have a current police check you will need to obtain one.

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.

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 National 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.

Section D – Registration status

All applicants must complete Section D (*Question 13*)

Your response will determine the remaining sections/questions in the application form that you will need to complete.

Section E – Registered before 1 July 2009

You should only complete Section E if you were Registered (and remained on the Register) as a family dispute resolution practitioner *before* 1 July 2009.

Question 14

Provide all the registration numbers that you use when issuing certificates. Registration number/s should be provided in full.

Question 15

If a registration number you provided at question 14 is the registration number of a registered organisation/s you should include the name of the organisation/s.

What is a registered organisation?

'Approved' and 'designated' organisations are included in the Family Dispute Resolution Register as *registered organisations* and have their own registration number.

Registered organisations are able to authorise individual practitioners to provide family dispute resolution on their behalf.

'Approved' organisations include Family Relationship Centres and Family Dispute Resolution Services funded under the Australian Government Family Relationship Services Program.

Some other organisations which provide family dispute resolution, such as legal aid commissions and State and Territory-funded dispute resolution services have been 'designated' by the Attorney-General as organisations which can provide family dispute resolution under the Family Law Act.

From 1 July 2009, the registration of these organisations will expire. All individuals who were authorised by those organisations will need to meet the final accreditation standards even if they will continue to provide services for the same organisation.

If you are not sure if the organisation for which you provide family dispute resolution services is a registered organisation, please check with the organisation before completing and submitting your application form.

Question 16

To meet the final Accreditation Standards, practitioners registered before 1 July 2009 are required to be assessed as competent by a Registered Training Organisation against the three specified units of the Vocational Graduate Diploma of Family Dispute Resolution (CHC80207) or have completed the equivalent units certified by a higher education provider*.

You must also attach evidence of competency, such as a statement of attainment from the Registered Training Organisation or transcript from the certified higher education provider showing the completed equivalent units.

Practitioners who were registered before 1 July 2009 (and remained on the Register) and have not met the final accreditation standards by 30 June 2009 will have until 30 June 2011 to meet the final accreditation standards by demonstrating competency in the three specified units. However, practitioners cannot continue to issue certificates after 30 June 2009 if they have

not met the final Accreditation Standards. All practitioners must meet the final Accreditation Standards by 30 June 2009 to continue to be 'family dispute resolution practitioners' and issue certificates after that time.

Section F – Not Registered before 1 July 2009

If you were not registered before 1 July 2009, complete Section F.

Question 17

To meet the final Accreditation Standards, practitioners that were not registered before 1 July 2009 are required to:

- (i) have completed the Vocational Graduate Diploma of Family Dispute Resolution (CHC80207) **or** the equivalent qualification from a certified higher education provider, or
- (ii) have completed a higher education award (such as law, psychology, social work, conflict management, mediation, dispute resolution or in a field or discipline relevant to the provision of family dispute resolution) **and** be assessed as competent by a registered training organisation against the six compulsory units of the Vocational Graduate Diploma of Family Dispute resolution (CHC80207) or completed the equivalent units from a certified higher education provider, or
- (iii) be accredited by a recognised mediation accreditation body under the National Mediator Approval Standards (further information about NMAS is available at www.ag.gov.au/fdrproviders) **and** be assessed as competent by a registered training organisation against the six compulsory units of the Vocational Graduate Diploma of Family Dispute resolution (CHC80207) or completed the equivalent units from a certified higher education provider.

**Certified Higher Education Providers*

The Attorney-General's Department maintains a list of higher education providers that have certified that the postgraduate course or units they provide are equivalent to those in the Vocational Graduate Diploma. The list is available at www.ag.gov.au/fdrproviders.

You must include a copy of your qualification and/or academic transcript with your completed application.

Section G – Complaints mechanism and professional indemnity

All applicants must have access to a complaints mechanism/s and professional indemnity insurance. The Attorney-General's Department is aware of the complaints processes and professional indemnity insurance for some organisations such as those that provide family dispute resolution services funded under the Australian Government Family Relationship Services Program or the legal aid commissions. Therefore, practitioners who work only for those organisations do not need to provide details about the complaints mechanism and professional indemnity insurance at Section G because the Department already has that information.

Practitioners that do not work for an organisation noted above or who also provide family dispute resolution services independently of one of those organisations, must complete Section G.

Questions 18 and 19

To be accredited (and remain accredited), 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)

http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_AdviceonaNewAccreditationSystemforFamilyDisputeResolutionPractitioners

Questions 20 and 21

To be accredited (and to remain accredited) practitioners must have professional indemnity insurance or statutory indemnity.

You must provide details about the type of insurance and indicate whether you have professional indemnity insurance through membership, through your employer or how statutory indemnity applies.

Section H - Signature

All applicants must sign and date the completed application form.

Please note: Section 136.1 of the *Criminal Code Act 1995* provides that criminal penalties apply to a person who, in connection with an application for registration, makes a statement knowing it to be false or misleading. Penalties also apply where a person omits any matter or thing which makes the statement misleading.

Commonwealth Statutory Declaration

The statutory declaration (available at the end of the application form) **must be completed by all applicants** and posted to the Practitioner Registration Unit with the completed application form and supporting documentation.

Your application will be incomplete if the statutory declaration is not submitted with the application form.

In the statutory declaration form you are declaring that you have the appropriate personal qualities to perform the functions and duties of a family dispute resolution practitioner, that you

are of good character and you have not engaged in conduct that is likely to bring family dispute resolution into disrepute. Examples include, having an appropriate standing in the community, being of good fame and character, being regarded as honest and fair, and not engaging in conduct that would negatively impact on the public reputation of family dispute resolution practitioners. You are also declaring that the information you have provided in your application is true and complete. Appropriate text has been included in the enclosed statutory declaration form to assist you with this requirement.

In making your declaration, you **must** write your name, address and occupation. The person witnessing your signature **must** write their full name, the basis upon which they are qualified to witness the declaration (see the statutory declaration form for list of persons before whom a declaration can be made) and their address (this can be a business address).

Supporting documentation

Your application will be incomplete if the required documentation is not submitted with the application form. Incomplete applications will be put on hold, while the Attorney-General's Department contacts you and requests the missing information. If the missing information is not supplied within the period specified in the request, the Department will consider your application to have been withdrawn.

Application checklist

When you have completed your application for accreditation, please read the application checklist on page 8 of this guide.

Attachment A (Optional)

Family dispute resolution practitioners may wish to make information about their services available to members of the public through Family Relationships Online (www.familyrelationships.gov.au).

If you would like your details to be available on Family Relationships Online, please complete **Attachment A**.

If you provide services from more than one outlet, complete **Attachment A** for each outlet.

Complaints mechanism and outlet details

Questions 1 and 2

For this outlet, provide details about the complaints mechanism and process to which your clients have access if they wish to complain about the family dispute resolution services you provide.

Questions 3 and 4

For this outlet, provide details about the professional indemnity insurance or how statutory indemnity applies.

Questions 5-19

Provide your outlet details, including contact information. You are also required to provide information about the client groups to which you provide services, and how you are able to deliver those services. These details will be made available to the public through Family Relationships Online.

Outlet Access Details

Questions 20-32

In this section you are required to provide your outlet access details. As most of these details will be available to the public through Family Relationships Online, this allows you to identify how the public can access the services you provide at your outlet, your opening hours, the geographical area in which you provide services, cost information and any additional information that you may wish to include.

Application checklist:

- Complete Sections A, B, C, D, and H (Attachment A Optional)
- Complete Section E if registered before 1 July 2009
- Complete Section F if not registered before 1 July 2009
- Complete Section G if providing family dispute resolution services independently of an organisation that provides family dispute resolution services funded under the Australian Government Family Relationship Services Program or legal aid commissions
- Copy of statement of attainment or transcript to show competency in three specified units of the Vocational Graduate Diploma of Family Dispute Resolution (or equivalent units from a certified higher education provider) or copy of qualification and/or academic transcript included with completed application form
- Copy of current police check or other relevant evidence to show compliance with the requirements of the applicable law in the States and/or Territories in relation to employment of persons in child-related employment or working with children included with completed application form
- Copy of current police check to show that you have not been convicted of an offence involving violence to a person or a sex-related offence
- Commonwealth Statutory Declaration completed, signed and original submitted with application form