



Australian Government  
Attorney-General's Department

# **Family Law (Family Dispute Resolution Practitioners) Regulations 2025**

In force as at 1 April 2025

# Acknowledgement of country

I begin by acknowledging the Traditional Custodians of the lands on which we meet today, and pay respects to their Elders, past and present.

I also extend that respect to Aboriginal and Torres Strait Islander people here today.

ARTWORK by SARETTA FIELDING: NGEYRAN MALANG 'US ALL' TOGETHER series 2 The three people symbols within this artwork are depictive of individuals and groups from differing backgrounds connecting over shared vision. The artwork highlights valuing people and is reflective of reconciliation, working together in mutually benefitting partnerships and sharing of culture.

Saretta Fielding is a Wonnarua woman of the Upper Hunter Valley through her grandmother and an Anaiwan woman of the New England area through her grandfather.



# New regulations

- 2008 Regulations sunset on 1 April 2025
- New 2025 Regulations were made by the Executive Council on 6 March 2025 and published on the Federal Register 11 March 2025 – **came into force 1 April 2025**
  - [Federal Register of Legislation - Family Law \(Family Dispute Resolution Practitioners\) Regulations 2025](#)

# What has changed?

- The 'look and feel' of the document is quite different.
  - updated drafting conventions have resulted in a different approach to presentation of existing requirements
  - different grouping of information or location within the document
  - new requirements to enhance administration of the scheme.

# Changes to ...

- Accreditation criteria, including fit and proper person and Professional Indemnity Insurance
- Qualifications and competencies
- Register and public information
- Advising the department of events
- Continuing professional development
- Record keeping
- Assessment of suitability
- Time-limited suspension of accreditation
- Certification of courses
- Certification of complaints management
- Section 60I certificates

# Accreditation criteria

- Introduced a requirement for a person to be covered by professional indemnity insurance at the time of applying to be accredited
- No longer providing conditional accreditation (where a person meets the accreditation criteria but is not allowed to practice until insurance is in place)
- Approach is more transparent that insurance is a requirement for providing service
- Majority of applications able to be processed quite quickly, where all of the information is provided and there is clear alignment with the requirements. Anticipating minimal financial impact.

# Fit and proper person

- Is a common concept in professional arenas
- Builds on existing requirements such as not being disqualified from working with children.
- Allows more factors to be taken into consideration when assessing applications for accreditation:
  - Has made false statements about accreditation status
  - History of disciplinary action
  - History of substantiated complaints
  - Disqualification from professional service
  - Provided false or misleading information when applying for accreditation.

# Qualifications and Competencies

## Current Regulations

- **Vocational** Graduate Diploma of Family Dispute Resolution
- Or
- **6 compulsory** units of competency **AND** an appropriate qualification
- Or
- **6 compulsory** units of competency **AND** NMAS
- Or
- **3 specified units and on old FDR Register at 30 June 2009**

## Proposed new Regulations

- Graduate Diploma of Family Dispute Resolution (First pathway)
- Or
- **Core** units of competency **AND** an appropriate qualification (Second pathway)
    - **Clarifying definition of 'appropriate'**
- Or
- **Core** units of competency **AND** NMAS/AMDRAS **PLUS 2 years** (Third pathway)
- New:
- **3 unit pathway removed for new applicants**
  - **Historical pathway caters for students studying before 1 April 2025**

Note: units of competency are delivered by Registered Training Organisations or are certified by Higher Education Providers as being equivalent to units of competency from the Graduate Diploma of Family Dispute Resolution (currently CHC81115)



# Register and public information

- All accredited FDRPs must be listed on the register
  - Capacity to request a pseudonym if can demonstrate genuine need
- Only private providers will be able to list details of their service (eg operating hours etc)
- FRO remains the way to find government funded services
- Mandates that certain updates must be made through the Register

# **Advising the department of events**

- Must advise the department of any issue that could affect ongoing eligibility for accreditation
- Now includes more detail on advising of complaints body coverage, insurance and currency of AMDRAS accreditation (where relied on as an accreditation pathway)
- Mandates that practitioners must use the Register to advise the department of certain events

# Continuing professional development

- Requirement to undertake 24 hours of CPD every 2 years remains in force
- Now includes a requirement that at least some component of that must include information related to family violence
  - Recognises the very significant responsibilities placed on FDR practitioners to manage negotiations in complex environments, where family violence may be/have been present

# Record keeping

- Requires that records must be safely stored and retained for a minimum of 24 months
- This supports the new requirement for complaints bodies to accept complaints for a minimum of up to 12 months after the FDR has been completed
  - Access to records is critical for this important process

# Assessment of suitability

- The Family Law Act provides for certain protections for discussions occurring within FDR.
- Sought to address concerns that suitability assessment did not attract these protections, despite sensitive information being exchanged at this point
- The regulations have extended the definition of FDR as far as possible. Suitability assessment, where it is conducted by an accredited FDRP, will now be considered part of FDR and attract the protections.
- Where suitability assessments are not conducted by an FDRP, the current arrangements stand (unlikely to be covered based on *Rastall and Ball*)

# Time limited suspension

- Maximum period where accreditation can be suspended of 5 years
- If suspended prior to 1 April 2025, 5 year period commences from 1 April 2025
- No discretion if accreditation not reactivated (by demonstrating compliance with all of the accreditation criteria) by the end of the 5 years
- Recommend seeking to return from suspension early if this applies to you
- Suspension may be more appropriate than cancellation if you were accredited on the basis of the 3-unit pathway. As this no longer exists, if your accreditation is cancelled you will need to do further study

# Certification of courses

- Enhancements to the certification of courses/units
- Higher education providers need to apply for their certification to be accepted by the department
- Department may revoke a certification if consider that the course/units are not longer equivalent to the Graduate Diploma of FDR
- Higher education providers have obligations to provide information to the department

# Certification of complaints management bodies

- All FDRPs must have access to an approved complaints management body
- Bodies or organisations wishing to provide this must apply to the department for approval
- This **includes organisations funded by the government to provide FDR** (for example under the FRSP)
- A 6 month transition period applies – organisations must have been approved to be an approved complaints body prior to 1 October 2025. If not, any FDRP relying on this body to act as their complaints body will no longer meet the mandatory accreditation criteria and will need to immediately transition to an approved complaints mechanism to remain accredited.
- Application forms are available from the department.



# Section 60I certificates

- Changes to the certificate
- A new certificate is available from the Attorney-General's Department's website
- More closely aligned to the requirements of the Family Law Act
- To be issued to one person only (where both parties require a certificate 2 separate certificates to be issued)
- Categories of certificate slightly differently worded
- Note: must include your name, or **approved** pseudonym to complete the certificate
- Encourage practitioners to familiarise themselves with the new format of the certificate

# Appeal rights and transitionals

- More points for AGD to make decisions – where can deny a request this is an appealable decision
- Reviews by the Administrative Review Tribunal
- If accredited before 1 April 2025, remain accredited
- If applied before 1 April 2025, but no decision, decision to be made under the 2008 regulations
- References to AMDRAS to also be read as NMAS
- 2 year period to apply if completed a course certified under 2008 regulations that is not certified under 2025 regulations
- 6 months for complaints bodies to be approved

# Resources

[Federal Register of Legislation - Family Law \(Family Dispute Resolution Practitioners\) Regulations 2025](#)

Attorney-General's Department website (updated information for practitioners and families on FDR)

Contact us:

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