



**Legal Services Commission**  
O F S O U T H A U S T R A L I A

**INFORMATION PROVIDED PURSUANT TO REGULATION 28 OF THE  
FAMILY LAW REGULATIONS**

**Please ensure that you have read the following information prior to attending a  
Family Law Conference**

- (1) Before family dispute resolution is started under sub-regulation 25 (3), each party to the family dispute resolution must be given the following information:
- (a) that it is not the role of the family dispute resolution practitioner to give people legal advice (unless the family dispute resolution practitioner is also a legal practitioner);
  - (b) the family dispute resolution practitioner's confidentiality and disclosure obligations under section 10H of the Act;
  - (c) that, provided section 10J of the Act applies, evidence of anything said, or an admission made, at family dispute resolution is not admissible:
    - (i) in any court (whether exercising federal jurisdiction or not); or
    - (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;
  - (d) the qualifications of the family dispute resolution practitioner to be a family dispute resolution practitioner;
    - (i) ***All family dispute resolution practitioners (chairpersons) conducting family law conferences at the Legal Services Commission are accredited and registered with the Attorney Generals Department. They have each undertaken training in mediation and have a background in Family Law.***
  - (e) the fees (including any hourly rate) charged by the family dispute resolution practitioner in respect of the family dispute resolution;
    - (i) ***A contribution towards costs is assessed and payable by each client upon the grant of Legal Aid. You will have received notification of your contribution in writing.***
    - (ii) ***Where a Statutory Charge is to be taken by the Legal Services Commission, such Statutory Charge will include a contribution being not more than one half of the cost of the chairperson. One half of the chairperson costs for the first conference is \$368. One half of the chairperson costs for a subsequent conference is \$276.***
  - (f) that family dispute resolution must be attended if required under section 60I of the Act, before applying for an order under Part VII of the Act;
  - (g) that, if a person wants to apply to the court for an order under Part VII of the Act, the family dispute resolution practitioner may provide a certificate under subsection 60I (8) of the Act, including a certificate to the effect that the person:
    - (i) did not attend family dispute resolution due to the refusal, or the failure, of the other party or parties to the proceedings to attend; or
    - (ii) attended family dispute resolution with the other party or parties to the proceedings but that the person, the other party or another of the parties did not make a genuine effort to resolve the issue or issues;

- (h) if a certificate under subsection 60I (8) of the Act is filed, the court may take it into account in considering whether to make an order under section 13C of the Act referring the parties to family dispute resolution or to award costs against a party under section 117 of the Act;
- (i) information about the complaints mechanism that a person who wants to complain about the family dispute resolution services may use.

***The Legal Services Commission has a complaints mechanism. Should you wish to register a complaint, you may do so in the first instance to the Coordinator of the Family Dispute Resolution Unit. If the complaint is not addressed satisfactorily in the first instance, it may be referred to the Legal Services Commission, Client Relations Officer.***

*Note 1* Paragraphs (b) and (c) 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.

*Note 2* Sections 12G and 63DA of the Act may impose additional information-giving obligations.

- (2) A family dispute resolution practitioner must not start family dispute resolution until sub-regulation (1) is complied with.

## **29 Obligations of family dispute resolution practitioner — General**

In providing family dispute resolution services under the Act, a family dispute resolution practitioner:

- (a) must ensure that, as far as possible, the family dispute resolution process is suited to the needs of the parties involved (for example, by ensuring the suitability of the family dispute resolution venue, the layout of the family dispute resolution room and the times at which family dispute resolution is held); and
- (b) must ensure that:
  - (i) family dispute resolution is provided only in accordance with this Part; and
  - (ii) any record of the family dispute resolution is stored securely to prevent unauthorised access to it; and
- (c) must terminate the family dispute resolution:
  - (i) if requested to do so by a party; or
  - (ii) if the family dispute resolution practitioner is no longer satisfied that family dispute resolution is appropriate; and
- (d) must not provide legal advice to any of the parties unless:
  - (i) the family dispute resolution practitioner is also a legal practitioner; or
  - (ii) the advice is about procedural matters; and
- (e) must not use any information acquired from a family dispute resolution:
  - (i) for personal gain; or
  - (ii) to the detriment of any person.

## **30 Obligations of family dispute resolution practitioner — avoidance of conflicts of interests**

- (1) This regulation applies if, in relation to a person who is a party to a dispute that is the subject of family dispute resolution, or any other party to that dispute, a family dispute resolution practitioner:
  - (a) has acted previously in a professional capacity (otherwise than as a family dispute resolution practitioner, a family counsellor or an arbitrator); or
  - (b) has had a previous commercial dealing; or
  - (c) is a personal acquaintance.

- (2) A family dispute resolution practitioner may provide family dispute resolution services to a party mentioned in sub regulation (1) only if:
- (a) each party to the family dispute resolution agrees; and
  - (b) the previous professional dealing (if any) does not relate to any issue in the dispute; and
  - (c) the previous commercial dealing or acquaintance (if any) is not of a kind that could reasonably be expected to influence the family dispute resolution practitioner in the provision of his or her family dispute resolution services.

**I certify that I have received and read this document:**

**NAME:** .....  
**(print)**

**SIGNED:** .....      **DATE:** .....





# Legal Services Commission

O F S O U T H A U S T R A L I A

## PARENTING PLANS & PARENTING ORDERS

**In preparation for the Legal Services Commission Conference and before entering into a Parenting Plan or obtaining Parenting Orders, it is important that you read the following information which is provided to you as required by family law legislation.**

**Please discuss this document with your solicitor and ask for clarification if required so that you understand it.**

Family Law Conferencing is a type of Family Dispute Resolution. It provides you and the other parent (or other party) with assistance to develop either a Parenting Plan or Parenting Orders that can cover all aspects of parenting child/children (“your child”).

It is important you have the best interests of your child in mind when developing your parenting arrangements.

### **Parenting arrangements MAY deal with matters such as:**

- Your child spending equal time with each of their parents – providing it is reasonably practicable, and in the best interests of the child to do so

or if that is not possible or practical -

- Your child spending substantial and significant time with each of their parents, again, providing it is reasonably practicable and in the best interests of the child to do so

or if that is not possible or practical –

- Any other arrangements that best suit yourself and the other parent and your child, as long as those arrangements are in the best interests of the child.

### **Parenting Plans and Parenting Orders MAY deal with a variety of issues such as the following:**

- Where your child is going to live
- What time your child is going to spend with their other parent and other special people in their life
- How you and the other parent will share parental responsibility for your child

- How you and the other parent will consult with each other when you need to make decisions about your child (such as health, education etc)
- How and when your child will communicate with both parents or other special people
- Maintenance of your child in applicable circumstances
- Agreeing on a process you and the other parent can use for resolving any disputes or misunderstandings that might come up about the terms or operation of the plan or orders

**In addition, and please make sure you talk to your solicitor about the desirability of including in your Parenting Plan or Orders, to deal with the following:**

- Agreeing on a process to be used by you and the other parent for changing the Plan or Orders to take into account the changing needs or circumstances of your child, you or the other parent
- Any other issues you and the other parent feel are important to the care, welfare and development of your child or your parental responsibilities. Your solicitor will advise you further on these matters.

There are occasions when Parenting Orders made by the Court can be subject to a Parenting Plan you may enter into after those Orders have been made. Please discuss this further with your solicitor.

Should disputes arise, or if you or the other parent have difficulties complying with the Parenting Plan or Parenting Order, you can get help by way of legal advice on the matter. You may also seek help from a family counsellor or Family Relationships Centre.

If the Court needs to make an order about parenting arrangements for your child, it will consider the terms of your most recent Parenting Plan, when applicable and appropriate, in considering the best interests of the child.