



Australian Government

Attorney-General's Department

Civil Justice Division

FAMILY LAW (SHARED PARENTAL RESPONSIBILITY) BILL

Further information from Attorney-General's Department

Family Relationship Centres

Family Relationship Centres are intended to be a front door into the family law system. They will be a point of referral and information for families seeking assistance (whether or not they are separated) and assist separated parents to reach agreement on parenting arrangements. The national network of Family Relationship Centres will be supported by a national telephone advice line and a web-site.

It is intended that the centres will assist a broad range of people including:

- people entering relationships: with information about pre-marriage education services to give couples a sound start to marriage.
- couples who have not separated but are experiencing difficulties: with information and referral to family relationship education and other early intervention services that can help prevent separation.
- separated or separating families: with information about the family law system, and help with accessing services that meet their needs.
- separated or separating parents: with information, non-legal advice, and dispute resolution services to help them reach agreement on parenting arrangements without the need to go to court. This will include assistance in the development of developing parenting plans.
- separated families where parenting arrangements have broken down or court orders are breached: the centres will be a first port of call to help families to resolve the problem outside the courts where possible. They will also refer families to more intensive programs such as the Contact Orders Program.
- grandparents and other extended family members will also be encouraged to use the centres.

The centres will be operated by a range of organisations determined by open competitive selection processes, commencing later this year. The first 15 centres will be established in mid 2006. A further 25 will be established in each of the following two years. It is intended that they will be highly visible and accessible and that they will be located in a number of regional as well as metropolitan areas.

Information, advice, individual interviews and referral services will be provided to clients without charge. Up to three hours of joint dispute resolution sessions will also be provided without charge.

Clients who need more than the three hours may be able to continue at the centre (if it has the capacity) or can be referred to a service that best suits their needs. The intention is to allow centres considerable flexibility in how centres assist clients after the first three hours to ensure families can reach satisfactory outcomes. Any fees after the first three hours will take into account the circumstances of each family and will be waived for low-income families.

Parents will also be encouraged to return to the centres if parenting arrangements break down, rather than going to court. To facilitate this, parents will not be charged for the first three hours of dispute resolution, even if they had used three hours at an earlier stage in the separation.

It is intended that the centres will be child-focused, that is helping families focus on the needs of their children. The services of the centres and the national advice line will also be available to grandparents and other extended family members affected by separation.

It will not be compulsory to use the centres. However, families in relationship difficulties or separating will be encouraged to contact the centres or the national advice line as early as possible. Couples intending to marry and families who want to strengthen their relationships will also be encouraged to contact the centres for information and referral to services such as relationship education. In some cases these services will be provided on the same premises and it is intended that each centre will work very closely with a wide range of other services in their region. Partnerships and collaborative arrangements with other services will be strongly encouraged.

The national advice line will support the network of Family Relationship Centres by providing information and helping families to access the range of services they need, as well as providing advice on parenting after separation. The national advice line will also have a role in arranging for telephone or video dispute resolution where families are unable to access face to face services.

National standards

While centres will be expected to adapt their services to meet the needs of their local community, it is intended that the quality and ethos of Family Relationship Centre be consistent across the country. Core service standards will apply across all the Family Relationship Centres. These will be enforced through funding agreements. Common resources, guidelines and training will be developed for the centres. The centres will be part of the Government's Family Relationships Services Program and their funding agreements will require them also to comply with practice and organisational standards across that program.

Consultation

The Government has consulted widely with stakeholders throughout the development of the new family law system package. The Government released a discussion paper on 10 November 2004 and undertook extensive consultation over the following two months.

The consultation team from the Attorney-General's Department and the Department of Family and Community Services met with community groups, service providers, peak bodies, courts, relevant agencies and other stakeholders around the country to obtain input on the proposals. Consultations were held in each capital city and in the regional centres of Launceston, Cairns and Alice Springs. A list of organisations consulted is at **Attachment A**. Over 400 written submissions were received.

Much of the input provided during the consultation related to the operation Family Relationship Centres and that input has been taken on board in planning their implementation.

In addition, in May and June 2005, the Attorney-General's Department, in conjunction with the Department of Family and Community Services, held scenario workshops to explore day to day practice issues associated with the new Family Relationship Centres. As they were looking at day to day practice issues, they were attended by family relationship service practitioners, and others with relevant expertise rather than by lobby groups or peak bodies. A list of participants is at **Attachment B**. Targeted consultations with relevant stakeholders will continue on specific aspects of the implementation of the centres.

Approval of organisations and accreditation of Dispute Resolution Practitioners

In order to be approved under the *Family Law Act 1975*, we currently require organisations to be subject to a range of quality requirements enforced by funding agreements under the Family Relationships Services Program. This is because the funding agreements provide a mechanism to monitor and audit compliance with quality requirements. There is no such quality assurance mechanism for unfunded organisations. Current standards under the Act relate to individual mediators (Part 5 of the *Family Law Regulations 1984* – copy is at **Attachment C**), not to organisations. In practice, this has meant approval for organisations under the Act has been limited to those selected for funding under the program. This does not, in any way, restrict other organisations from applying for funding. The approval comes once they are selected for funding and become subject to the quality requirements under the program.

The proposed changes to approval under the Act reflect this status quo. However, in order to introduce compulsory dispute resolution, we will need to have consistent standards for family dispute resolution practitioners across Australia, including those in funded and unfunded services and private practitioners. As indicated above, there are existing standards for mediators currently in Part 5 of the Regulations. However these are relatively limited in scope and the Community Services and Health Industry Skills Council is developing new national standards for counsellors and family dispute resolution practitioners that can be the basis for accreditation and training. These will include standards relating to a range of important skills for the new family law system. For example, they will include screening for violence and child abuse and skills in assisting parents to develop parenting plans. A Steering Committee, which includes a range of stakeholders, has been established to advise and inform the process. (Membership of the Steering Committee is at **Attachment D**.)

Rural Outreach Services

Some Family Relationship Centres will be located in regional centres and will also provide services to other centres through regular or circuit visits. In addition to the core funding for the Family Relationship Centres, the package includes \$10.6 million over four years specifically for outreach service to rural and Indigenous communities. This will enable visits to more geographically distant areas than would otherwise be possible. In addition, it is intended that flexible outreach service delivery models be developed, for example through partnership, brokerage or sub-contracting arrangements. Where possible and with appropriate training and resources, organisations in rural areas may be used as agents. Alternative means of communication, such as telephone, video-conferencing or internet, will also be used. A specific Indigenous outreach strategy will be developed.

Location of Family Relationship Centres

The following factors are being taken into account when considering the locations of the centres:

- population of the catchment area
- proportion of divorced or separated people with children
- proportion with oldest child under 5 yrs old
- the number of blended families
- separations in the last 6 months and the last 3 years
- Child Support Agency clients
- people receiving parenting payment
- Domestic Violence Hotline referrals
- the accessibility of the proposed Family Relationship Centre to people elsewhere in the region, and
- the location of the courts and Government funded services such as those under the Family Relationship Service Program, Indigenous services and community legal services and the distribution of other Government agencies such as Centrelink and the Job Network.

List of organisations consulted individually

Industry Representative Bodies

Relationships Australia (national board, and teleconference of regional providers)
Catholic Welfare Australia (national working group, and teleconference of regional providers)
Family Services Australia (national board, and teleconference of regional providers)

Courts

Family Court of Australia (National Office)
Family Court of Western Australia

Legal bodies

Law Council of Australia: Family Law Section
Legal Aid Commissions (in NSW, ACT, Vic, SA, WA, Tas, Qld and NT)
Women's Legal Centres (in ACT, Vic, SA, WA, Tas, Qld, NT, and National Network)
Roma Community Legal Centre and Children's Contact Service (by telephone)

Government agencies

Child Support Agency
Centrelink
Rural Counselling Service (by phone)
Family Law Council
National Alternative Dispute Resolution Advisory Council (NADRAC)

Indigenous bodies

Family Court Indigenous Family Consultants (Cairns, Darwin and Alice Springs)
National Network of Indigenous Women's Legal Services

Special interest groups

Families Australia
Sole Parents Union
Council of Single Mothers and their Children
National Abuse Free Contact Campaign
Men's Rights Agency
Lone Fathers
Dads in Distress (by phone)
Shared Parenting Council
Fatherhood Foundation (by phone)
Fathers 4 equality
Say No to Violence
Men Against Sexual Assault
Australian Multicultural Foundation

Group Consultation Forums

Sydney

Agency

Aboriginal Legal Services
Anglicare Sydney and the Psychotherapy and
Counselling Federation of Australia
Attorney General's Department
Australian Psychological Society
Centacare Bathurst
Centacare Broken Bay
Centacare Newcastle
Centacare Sydney
Centacare Wagga Wagga
Community Justice Centres
Department of Family and Community Services – NSW
office
Family Court of Australia
IAMA (Institute of Arbitrators and Mediators Australia)
Interrelate
La Trobe University
Macquarie Legal Centre
Mission Australia
New South Wales Bar Association
NSW Law Society Family Law Committee
Relationships Australia New South Wales
Women's Legal Services

Canberra

Agency

Attorney-General's Department
Attorney-General's Office
Australian Association of Social Workers
Catholic Welfare Australia
Centacare Canberra-Goulburn
Centacare Wagga Wagga
Centrelink
Child Support Agency
Conflict Resolution Service
Department of Family and Community Services
Family Court of Australia
Farrer, Gesini & Dunn
Institute of Arbitrators and Mediators Australia
Law Society
Legal Aid ACT
Marymead and Family Pathways Network
PDR Interagency Group
Relationships Australia ACT
Women's Legal Centre

Melbourne

Agency

Australian Family Mediation Australia
Australian Institute of Family Studies
Australian Psychological Society
Bethany Community Support
Centacare Catholic Family Services Melbourne
Centrelink - Area North Central – Victoria
Council of Single Mothers
Domestic Violence Incest Resource Centre
Drummond St Relationship Centre
Family Court of Australia
Family Mediation Centre
Family Relationships Institute Inc.
Federal Magistrates Court
Geelong Community Legal Service
Gordon Care
Institute of Arbitrators & Mediators Australia
La Trobe University
Law Institute of Victoria
Mensline
Northern Migrant Resource Centre
Private practitioner
Relationships Australia Victoria
Southern Family Life
Stepfamily Association of Victoria Inc
Upper Hume Community Health Service
Victorian Bar – Family Law Section
Victoria Legal Aid
Women’s Emergency Services Network
Women's Legal Service Victoria

Adelaide

Agency

Aboriginal Legal Rights Movement
Anglican Community Care
Anglicare SA
Centacare Adelaide
Department Family & Community (DF&C)
Department of Family and Community Services –
Adelaide office
Family Court of Australia
Lutheran Community Care
Relationships Australia South Australia
South Australia Family Pathways Network
The Law Society of South Australia
UnitingCare Wesley Adelaide and Bowden
University of Adelaide
Women’s Legal Service

Perth

Agency

Anglicare WA
Catholic Marriage Education Services
Centacare Geraldton Family Services
Centrecare Perth
Child Support Agency
Citizen's Advice Bureau
Department for Community Development
Family Court of Western Australia
Family Law Practitioners Association of Western
Australia
Institute of Arbitrators & Mediators Australia and The
Australian Institute of Family Law Arbitrators and
Mediators
Law Society of WA
Legal Aid
Lifeline Western Australia
Men's Advisory Network
Mensplace
Mums and Dad's Forever, Anglicare
Murdoch University
Northern Suburbs Community Legal Centre Inc
Psychotherapists and Counsellors Association of WA
ParentSupport
Private Practitioner
Relationships Australia (Western Australia)
University of Western Australia
University of Western Australia School of Law
Women's Council for Domestic and Family Violence
Women's Law Centre

Hobart

Agency

Anglicare Tasmania
Centacare Tasmania
Child Support Agency
Department of Family and Community Services –
Hobart office
Family Court of Australia
Hobart Community legal Service
Legal Aid Commission
Legal Practitioners (4)
National Alternative Dispute Resolution Advisory
Council
Positive Solutions
Psychology and Counselling Federation of Australia
Relationships Australia Tasmania
Relationships Australia Tasmania
Relationships Australia Tasmania
Relationships Australia Tasmania

Launceston

Agency

Centacare Burnie
Legal Aid Commission
Legal practitioner
Magnolia Place
Private psychologist (1)
Relationships Australia

Brisbane

Agency

Australian Psychological Society (Mater
Misericordiae Private Practice)
Australian Psychological Society, College of Clinical
Psychologists
Australian Training and Safety Institute
Australian Psychology Society, UQ
Barrister
Brisbane Domestic Violence Advocacy Service
Building Bridges, Children's Contact Services
Caxton Legal Centre
CCY&D
Centacare Brisbane
Centacare Toowoomba
Centacare Townsville
Centrelink Area Brisbane
Sunshine Coast Family Contact Centre
Chisholm
Clinical Psychologist
Family Court of Australia
Institute of Arbitrators & Mediators of Australia
Kids Helpline and Parentline in QLD and NT
Kinnections
Kinkare
Legal Aid Queensland
Lifeline Sunshine Coast
MISA
Qld Assn Independent Legal Service
Relate QLD
Relationships Australia Queensland
Roberts Nehmer McKee
South East QLD Pathways Group
Survivors of Family Violence
University of Queensland Union
Women's House
Women's Legal Service

Cairns: Indigenous-specific meeting

Agency

Attorney-General's Department
Department of Family and Community Services
Family Court of Australia
Njika Jowan Legal Service

Cairns

Agency

Cairns Regional Domestic Violence Service
Centrelink
Department of Family and Community Services
Family Court of Australia
NQ Women's Legal Service
Relationships Australia Cairns
Ruth's Women's Shelter Cairns
Tablelands Women's Centre (Court Support)
Women's Centre Cairns

Darwin

Agency

Anglicare NT
Centacare NT
Dawn House
Family Court of Australia
Law Society Northern Territory
Relationships Australia Northern Territory
YWCA Women's Shelter (Palmerston)

Darwin Indigenous specific meeting

Agency

AG's Indigenous Coordination Centre – Darwin
Darwin Aboriginal and Islander Women's Shelter
Family Court of Australia
Department of Family and Community Services
Top End Women's Legal Service
Yilli Rreung Regional Council Chairperson

Alice Springs

Agency

Centacare
Central Australian Women's Legal Service
Commissioner
Family Court of Australia
Indigenous Coordination Centre
Relationships Australia NT

ATTACHMENT B

Canberra Workshop

Jennie Hannan	Anglicare Australia	WA
Mary Comer	Catholic Welfare Australia	NSW
Lyn Slocombe	Centacare	NSW
Christine Hodge	Centacare	QLD
Lexlie McCauley	Centrelink	ACT
Tracey Dioses	Centrelink Customer Service Centre - Orange	NSW
Margaret Anderson	Child Support Agency	ACT
Jo Hart	Child Support Agency	ACT
Filomena Colavecchio	Conflict Resolution Service	ACT
Dianne Gibson	Family Court of Australia	NSW
Pam Hemphill	Family Court of Australia	SA
Walter Ibbs	Legal Aid Victoria	VIC
Kaye Swanton	Lifeworks	VIC
Linda Pullen	Mercy Family Services	QLD
Anne Hollonds	Relationships Australia	NSW
Susan Holmes	Relationships Australia	TAS
Michael Hunt	Relationships Australia	VIC
Clive Price	Unifam	NSW
Also in attendance are representatives of the Attorney-General's Department and the Department of Family and Community Services.		

Perth Workshop

Simon Schrapel	Anglicare	SA
Olive Woods	Anglicare	WA
Lynn Stephen	Bunbury Community Legal Centre	WA
Neil Hamilton	Centacare	WA
Melissa Perry	Centacare Incorporated	WA
Terri Coughlan	Centrelink	WA
Terry Reeves	Centrelink	WA
Glenda Scott	Child Support Agency	WA

Dawn Snook	Child Support Agency	WA
Sarah Mills	Community Justice Centres, Wollongong	NSW
Stephen Ralph	Family Court of Australia	NT
Kay Benham	Family Court of WA	WA
Chris Gabelish	Geraldton Resource Centre	WA
Dianne Gray	Geraldton Resource Centre	WA
Shawn Phillips	Mensplace	WA
Alan Campbell	Private mediator	WA
Ian Law	Relationships Australia	SA
Mandy Flahavin	Relationships Australia	WA
Andrew Bickerdike	Relationships Australia	VIC
Michael Colin	Uniting Care Wesley Adelaide	SA
Colleen Brown	WA Legal Aid	WA
Also in attendance are representatives of the Attorney-General's Department and the Department of Family and Community Services.		

Extract from Part 5, Division 2, *Family Law Regulations 1984*

60

Community mediators and private mediators — qualifications, training and experience

- (1) Subject to regulation 61, and except as provided by subregulation (3), a person may provide family and child mediation as a community mediator or private mediator only if the person:
 - (a) has been awarded an appropriate degree, diploma or other qualification by a university, college of advanced education or other tertiary institution of an equivalent standard; and
 - (b) has completed at least 5 days training in mediation, including at least 1 training course of a duration of at least 3 days; and
 - (c) has engaged in at least 10 hours of supervised mediation in the 12 months immediately following completion of that training.
- (2) An appropriate degree, diploma or other qualification is one that represents:
 - (a) a course of study that is, or is the equivalent of, at least 3 years of full time study:
 - (i) in law; or
 - (ii) in a social science (for example, psychology or social work); or
 - (iii) that includes the equivalent of 2 full time years study in a social science; or
 - (b) a course of study that is, or is the equivalent of, at least 1 year of full time study in:
 - (i) mediation; or
 - (ii) dispute resolution.
- (3) Subject to regulation 61, a person may provide family and child mediation if the person has provided mediation of that kind for a total of at least 150 hours since 11 June 1991, of which at least 50 hours has been provided since 11 June 1994, and:
 - (a) the person:
 - (i) enrolls in a course of study of a kind described in subregulation (2) before the end of 31 August 2001; and
 - (ii) is not excluded from completing the course by reason of the person failing to pass any of its requirements; and
 - (iii) completes the academic requirements of the course at, or before, the end of 7 academic years of the relevant institution; or
 - (b) the person provides the mediation through a non-profit organisation:
 - (i) that is funded wholly or partly by the Commonwealth, or by a State or Territory; and
 - (ii) a substantial part of the functions of which is the provision of family and child mediation services.
- (4) A person described in paragraph (3) (b) must not provide family and child mediation after 31 August 2001, unless the person is otherwise eligible to provide the mediation under this regulation.
- (5) In this regulation:

supervised mediation means mediation that is supervised by:

- (a) an experienced court mediator or community mediator; or
- (b) a person who is the regular provider of a training course of a kind described in paragraph (1) (b); or
- (c) a person who is:
 - (i) an experienced dispute mediator; and
 - (ii) a practising member of:
 - (A) the Law Society of a State or Territory; or
 - (B) the Bar Association of a State or Territory; or
 - (C) the Australian Psychological Society Limited; or
 - (D) the Australian Association of Social Workers Limited.

61 Community mediators and private mediators — further training

A person who is eligible under regulation 60 to provide family and child mediation:

- (a) must undertake at least 12 hours education or training in family and child mediation each calendar year; and
- (b) must not provide mediation services if a period longer than a year has elapsed since last undertaking training.

62 Community mediators and private mediators — assessment of mediation suitability

- (1) Before providing mediation under the Act, the community mediator or private mediator to whom a dispute is referred must conduct an assessment of the parties to the dispute to determine whether mediation is appropriate.
- (2) In determining whether mediation is appropriate, the mediator must consider whether the ability of any party to negotiate freely in the dispute is affected by any of the following matters:
 - (a) a history of family violence (if any) within the meaning of subsection 60D (1) of the Act, among the parties;
 - (b) the likely safety of the parties;
 - (c) the equality of bargaining power among the parties (for example, whether a party is economically or linguistically disadvantaged in comparison with another party);
 - (d) the risk that a child may suffer abuse;
 - (e) the emotional, psychological and physical health of the parties;
 - (f) any other matter that the mediator considers relevant to the proposed mediation.
- (3) If, after considering the matters set out in subregulation (2), the mediator decides that mediation is appropriate then, subject to regulations 63 and 65, the mediator may provide mediation.
- (4) If, after considering the matters set out in subregulation (2), the mediator decides that mediation is inappropriate, the mediator must not provide mediation.

63 Information to be given to parties before mediation

- (1) At least 1 day before a mediation exercise is commenced under subregulation 62 (3), each party to the mediation must be given a written statement that sets out the following information:

- (a) that the process of mediation is one by which the parties involved, together with the assistance of the mediator:
 - (i) isolate issues in the dispute; and
 - (ii) develop and consider options to resolve those issues; and
 - (iii) if appropriate — attempt to agree to one or more of those options; and
 - (iv) if a child is affected — attempt to agree to options that are in the best interests of the child;
 - (b) if the dispute involves a child:
 - (i) that each parent has parental responsibility for the child, within the meaning of section 61B of the Act; and
 - (ii) that the best interests of the child are the paramount consideration in any decision that affects him or her; and
 - (iii) the requirements under Division 4 of Part VII of the Act to register a parenting plan in respect of the child;
 - (c) that the mediator's role is to facilitate discussion between the parties in relation to the dispute, and is not:
 - (i) to advise them what to do in relation to each other; or
 - (ii) to provide them with legal advice;
 - (d) that mediation may not be appropriate for all disputes, particularly if a dispute involves violence that renders one party unable to negotiate freely because of another's threats;
 - (e) that mediation is not compulsory in order to commence proceedings in the Family Court;
 - (f) that a party has the right to obtain legal advice at any stage in the mediation process;
 - (g) that a party has the right to terminate the mediation at any time;
 - (h) that, under section 19M of the Act, the mediator is immune from civil liability for anything said or done by the mediator in the performance of his or her functions as mediator;
 - (j) that, under section 19N of the Act, evidence of anything said, or an admission made, at mediation 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;
 - (k) the mediator's confidentiality and disclosure obligations, being details of:
 - (i) in the case of a community mediator — the mediator's oath under section 19K of the Act; and
 - (ii) in the case of a private mediator — the mediator's obligations under regulation 67;
 - (l) the qualifications of the mediator to be a family and child mediator;
 - (m) the fees (including any hourly rate) charged by the mediator in respect of the mediation.
- (2) Before commencing mediation, each party to it must certify on a copy of the statement that he or she has received the statement.
 - (3) A mediator must not commence mediation until subregulations (1) and (2) are complied with.

64 Obligations of community mediator or private mediator — general

In providing family and child mediation services under the Act, a community mediator or private mediator:

- (a) must ensure that, as far as possible, the mediation process is suited to the needs of the parties involved (for example, by ensuring the suitability of the mediation venue, the layout of the mediation room and the times at which mediation is held); and
- (b) must ensure that:
 - (i) mediation is provided only in accordance with this Division; and
 - (ii) any record of the mediation is stored securely to prevent unauthorised access to it; and
- (c) must terminate the mediation if:
 - (i) requested to do so by a party; or
 - (ii) the mediator is no longer satisfied that mediation is appropriate; and
- (d) must not provide legal advice (except advice about procedural matters) to any of the parties.

65 Obligations of community mediator or private mediator — avoidance of conflicts of interests

- (1) If, in relation to a person who is a party to a dispute that is the subject of mediation, or any other party to that dispute, a community mediator or private mediator:
 - (a) has acted previously in a professional capacity (otherwise than as a family and child mediator, a family and child counsellor or an arbitrator); or
 - (b) has had a previous commercial dealing; or
 - (c) is a personal acquaintance;the mediator may provide family and child mediation services to the person only if:
 - (d) each party to the mediation agrees; and
 - (e) the previous professional dealing (if any) does not relate to any issue in the dispute; and
 - (f) the previous commercial dealing or acquaintance (if any) is not of a kind that could reasonably be expected to influence the mediator in the provision of his or her mediation services.
- (2) If a community mediator or private mediator has provided family and mediation services to a person, the mediator must not use any information acquired from the mediation:
 - (a) for personal gain; or
 - (b) to the detriment of any person.

66 Oath or affirmation of court mediator or community mediator

For the purposes of section 19K of the Act, a court mediator or community mediator must make an oath or affirmation in the following form:

I [*name of court mediator or community mediator*] do swear by Almighty God [*or solemnly and sincerely affirm and declare*] that I will not disclose to any person any communication or admission made to me in my capacity as a family and child mediator, unless I reasonably believe that it is necessary for me to do so:

- (a) to protect a child; or
- (b) to prevent or lessen a serious and imminent threat to:

- (i) the life or health of a person; or
- (ii) the property of a person; or
- (c) to report the commission, or prevent the likely commission, of an offence involving:
 - (i) violence or a threat of violence to a person; or
 - (ii) intentional damage to property of a person or a threat of damage to property; or
- (d) to enable me to discharge properly my functions as a family and child mediator; or
- (e) if a child is separately represented by a person under an order under section 68L of the *Family Law Act 1975* — to assist the person to represent the child properly.

67 Private mediator — duty of confidentiality and disclosure in respect of certain information

In providing family and child mediation services, a private mediator must not disclose any communication or admission made to him or her in the mediator's capacity as a family and child mediator unless the mediator reasonably considers that it is necessary for him or her to do so:

- (a) to protect a child; or
- (b) to prevent or lessen a serious and imminent threat to:
 - (i) the life or health of a person; or
 - (ii) the property of a person; or
- (c) to report the commission, or prevent the likely commission, of an offence involving:
 - (i) violence or a threat of violence to a person; or
 - (ii) intentional damage to property of a person or a threat of damage to property; or
- (d) to enable the mediator to discharge properly his or her functions as a family and child mediator; or
- (e) if a child is separately represented by a person under an order under section 68L of the Act — to assist the person to represent the child properly.

ATTACHMENT D

Family Counselling, Family Dispute Resolution and Children's Contact Services Project Steering Committee

Attorney General's Department
Australian Association of Social Workers
Australian Children's Contact Services Association Inc.
Australian Counselling Association
Australian Services Union
Catholic Welfare Australia
Community Services & Health Industry Skills Council
Department of Family and Community Services
Family Court of Australia
Family Law Council
Family Services Australia
Law Council of Australia
National Alternative Dispute Resolution Advisory Council
National Association of Community Legal Centres
NSW Legal Aid Commission
Psychotherapy & Counselling Federation of Australia
Relationships Australia
Technical and Further Education Representative