



Code of Ethics and Conduct

for Mediation Institute Members

July 2026

Mediation Institute provides complaint handling services for AMDRAS Accredited Mediators, Family Dispute Resolution Practitioners (FDRPs) and Family Group Conference (FGC) Facilitators.

This Code of Ethics and Conduct clarifies the ethical standards and conduct that is expected of Mediation Institute Practitioner Members.

Relevant Codes of Conduct

For AMDRAS Accredited Mediators – the AMDRAS Code of Ethics (Appendix 3 of the AMDRAS Standards) and Domain 3: Professional Ethics and Responsibilities of the AMDRAS Practice Standards. The current version of the AMDRAS Standards is the October 2025 update, issued 14 November 2025, available at www.amdras.au.

For FDR Practitioners – the Family Law (Family Dispute Resolution Practitioners) Regulations 2025 (F2025L00304), which commenced on 1 April 2025 and replaced the 2008 Regulations, together with associated guidance from the Australian Attorney-General's Department. The Regulations are available at www.legislation.gov.au and guidance at www.ag.gov.au.

For FGC Facilitators – this Code of Ethics and Conduct applies along with any contracts you may have for panel arrangements.

This Code of Ethics and Conduct articulates expectations regarding:

1. Professional Conduct, including marketing your services
2. Conduct while providing dispute resolution services
3. Professional Development
4. Further Information for specific categories of Members

Professional Conduct

Good Conduct

1. All Members are expected to behave in a way that demonstrates good character. Good character is defined as being honest, demonstrating integrity and a respect for the law in your professional and private life. This includes but is not limited to:
 - a) Interacting professionally and courteously with clients, colleagues and members of the public.
 - b) Not using information obtained in professional practice for personal gain or advantage.
 - c) Refraining from making threats or using violence in your personal and professional life.
 - d) Complying with the law.
 - e) Upholding your duty of care to protect people from exposure to violence or threats of violence to the extent that it is possible, without jeopardising your own personal safety.
 - f) Avoiding bringing dispute resolution into disrepute through unprofessional conduct in person, on social media and in other forums.

Disclosure to Mediation Institute

2. Members must disclose the following issues to Mediation Institute at the time of application for membership. If any should arise during the term of your membership, notify Mediation Institute as soon as practical. This includes:
 - a) Any unspent criminal conviction.
 - b) Disqualification from any type of professional practice.
 - c) Refusal or cancellation of any type of dispute resolution practitioner accreditation as a Mediator or Family Dispute Resolution Practitioner.
 - d) Any impairment that could influence your capacity to discharge your obligations in a competent, honest and professional manner.

Comply with Professional Obligations

3. Be aware of and comply with your obligations as a professional mediator and any other legal, regulatory and professional obligations that apply to you. See the Further Information section of this document for specific information and links.

Insurance

4. It is a condition of registration and accreditation as a dispute resolution practitioner that you have Professional Indemnity Insurance. Ensure that your professional indemnity insurance remains current.
5. If you are covered by an employer and leave that employment, purchase your own insurance or take a leave of absence until covered by another employer.

Marketing

6. Be honest in terms of marketing your professional services, including:
 - a) Representing your services and competence honestly and transparently.
 - b) Providing accurate information about the approaches you offer or the type of dispute resolution process you use.
 - c) Ensuring that if you are not an accredited Family Dispute Resolution Practitioner, the assumption cannot be made that you are.
 - d) Not promising that an agreement or any specific outcome can be achieved from a dispute resolution process or implying that promise.
 - e) Disclosing any fees or charges, including any costs and additional charges that will be levied, before the dispute resolution process commences.
7. Encourage participants to obtain other professional support when appropriate but avoid exclusive arrangements recommending the services of a particular individual or firm.

Avoid Conflicts of Interest

8. Avoid your facilitation being negatively affected by bias or conflict of interest. This includes but is not limited to:
 - a) Withdrawing from any case where you do not believe that you can facilitate the process in a fair and even-handed manner.
 - b) Informing the participants of any situation where there may reasonably be grounds for a perception of bias or conflict of interest, even if you do not feel that you will be biased or conflicted. Potential grounds for conflict of interest include:
 - having previously acted in a professional capacity, other than as a mediator, FDRP, family counsellor or arbitrator
 - having previous commercial dealings with a party
 - a personal acquaintance.
 - c) If a potential conflict of interest is identified, only providing services if each party to the dispute resolution process agrees, and the previous professional dealings do not relate to the issues in dispute, or the previous commercial dealings or personal acquaintance is not of a kind that could reasonably be expected to influence you in the provision of mediation services.
 - d) If proceeding with dispute resolution services after a potential conflict of interest has been identified, documenting the issue and ensuring that all parties sign a disclosure document, which can be incorporated in your Agreement to Mediate. A general statement waiving all potential conflicts of interest would not satisfy this requirement unless the potential conflict of interest is specified.
9. Avoid conflict of interest following dispute resolution service provision by refraining from acting as an advocate or providing other professional services for one party only after you have provided dispute resolution services, unless you have the permission of all parties to do so.

Conduct When Providing Dispute Resolution Services

Competently Provide Services

10. Provide dispute resolution services only when you have the personal qualities and experience to do so independently, competently and professionally. If you are not confident in facilitating a dispute resolution case, ensure that clients are protected by whatever strategy is appropriate. This may include referring the case to another practitioner, or seeking support, a co-facilitator or mentor, to ensure that the clients receive the level of service they are entitled to expect from a professional mediator.
11. Provide accessible and inclusive services to the best of your ability.
12. Support agency, self-determination, co-determination and cooperative informed decision-making as appropriate to the context of the dispute.

Maintain Your Role

13. Clearly indicate and maintain your role when acting in the capacity of dispute resolution professional, especially if you have additional professional roles such as a lawyer, psychologist, counsellor, advocate, advisor or any other role.

Confidentiality and Inadmissibility

14. Keep private and confidential information private by storing and disposing of any records from dispute resolution services securely.
15. Inform the parties about your confidentiality obligations and refrain from providing information or evidence about anything that occurs in dispute resolution without prior notice to the parties, or with the subsequent permission of the party or parties who disclosed the information, unless required by law.
16. Inform the parties about the exceptions to your confidentiality obligations. It is not a breach of your obligations to disclose private and confidential information if you reasonably believe that it is necessary to prevent or report an imminent threat of harm to a person or property, a crime related to harm to a person or property, or it is required or permitted by law to release the private and confidential information.
17. Seek consent from parties prior to discussing the process or any proposed agreement with the parties' advisors or other related third parties.

Prior to Any Joint Mediation Session

18. Use an Agreement to Mediate or other similar document to provide the client with clear and accurate information about your processes, costs, role, the standards you are working under, and how to provide feedback or make a complaint. If Mediation Institute is your complaint handling body, you can include a statement to the effect of:

*If a complaint regarding these services is not able to be resolved, you can contact my independent complaint handling service which is provided by Mediation Institute. www.mediationinstitute.edu.au Phone: 1300 781 533
Email: office@mediationinstitute.edu.au*

19. Ensure that a pre-mediation assessment has been conducted in any dispute and that the dispute resolution process proposed is appropriate. If any party in the dispute is not able to negotiate freely due to an imbalance of power or threats, mediation may not be an appropriate process.
20. In deciding if the dispute resolution process is appropriate, the dispute resolution professional must consider:
 - a) any history of violence / family violence (if any) among the parties
 - b) the likely safety of the parties
 - c) the equality of bargaining power among the parties
 - d) the risk that a child may be abused
 - e) the emotional, psychological and physical health of the parties
 - f) any other matter that the dispute resolution professional considers relevant to the dispute resolution process.
21. Prepare appropriately for dispute resolution and only provide your professional services in a location where the participants' privacy and confidentiality can be protected to their level of comfort.
22. Following the assessment, determine the most appropriate form of facilitation based on the needs of the participants, including the use of remote delivery or shuttle mediation if necessary.
23. Throughout the client engagement, continue to monitor the safety of the participants and recognise when it is necessary to refuse to commence, to suspend and/or to terminate the mediation process.

If You Provide Guidance or Advice

24. If providing guidance, limit your assistance to procedural information that you are competent to assist with.
25. Provide advice only when competent and authorised to do so. Unless working in a role where the provision of advice is required, by preference refer participants to independent professionals for legal or other advice.
26. If you are competent to do so and choose to provide advice or expert opinion, ensure that the following conditions are in place:
 - a) All parties must agree to the dispute resolution practitioner providing advice, in advance of the services being provided for example specifically in your Agreement to Mediate.
 - b) You must have appropriate professional qualifications, current knowledge, skills and experience.
 - c) You must hold professional registration, membership, statutory employment or their equivalent.
 - d) You must have appropriate Professional Indemnity Insurance or statutory immunity in place that covers the risks involved with the giving of advice.
 - e) You must provide the advice in a way that supports participants' self-determination and supports them to reach agreements freely, voluntarily, without undue influence and based on informed consent.

Facilitating Dispute Resolution

27. Uphold the integrity and fairness of the dispute resolution process by facilitating dispute resolution in a way that is even-handed, safe and ethical. It would be unethical if there was any form of personal gain from any specific outcome.
28. Do not use any information gained during the dispute resolution process, or act as an advocate or in any other professional capacity in relation to the same dispute, without express permission in writing from all parties.
29. Uphold self-determination and communicate with all participants in a fair, respectful and sensitive manner.
30. Facilitate the dispute resolution process professionally, supporting participants to engage in the process without demonstrating bias.
31. Suspend or terminate the dispute resolution process if it becomes evident to you that it is no longer appropriate or that it could be detrimental to one or more of the participants or yourself.

Complaints

32. Respond to any complaints proactively, respectfully and professionally, including providing information about how to escalate a complaint or grievance to your independent complaint handling service if a client is not satisfied with your internal response.
33. Actively engage with any feedback or recommendations following complaints made about you. When responding to a complaint, discuss any concerns regarding protecting confidential client information with your complaint handler. Generally, information provided to and by the complainant is deemed to be no longer confidential for the purpose of dealing with their complaint.

Professional Development

34. Comply with the professional development standards required for your dispute resolution accreditation or registration. Where you are both an FDRP and an AMDRAS Accredited Mediator, ensure that you comply with the professional development obligations of both types of professional practice.
35. Support the dispute resolution industry by upholding standards, supporting new entrants, and advocating non-adversarial dispute resolution as an alternative to adversarial processes, where appropriate.
36. Comply with and cooperate in maintaining the quality, qualifications and standards of dispute resolution practice.

Further Information

FDR Practitioners

The *Family Law (Family Dispute Resolution Practitioners) Regulations 2025* commenced on 1 April 2025 and replaced the 2008 Regulations. The full text is available at www.legislation.gov.au/F2025L00304, with associated guidance from the Australian Attorney-General's Department at www.ag.gov.au.

Key obligations for accredited FDR Practitioners are set out in Part 2, Division 3 of the Regulations, in particular Subdivision C – Requirements relating to standards of practice:

- Section 19 – Requirement to uphold reasonable professional standards
- Section 20 – Requirement to assess whether it is appropriate for persons to attend family dispute resolution sessions
- Section 21 – Requirement to provide information to persons attending family dispute resolution
- Section 25 – Requirement to avoid conflicts of interest
- Section 26 – Requirements relating to records and information
- Section 27 – Restrictions on providing legal advice

FDRPs must also comply with the ongoing accreditation requirements in Subdivisions A and B, including continuing professional development (Section 18) and keeping their details up to date on the Family Dispute Resolution Register.

AMDRAS Accredited Mediators

The AMDRAS Code of Ethics is Appendix 3 of the AMDRAS Standards, and ethical practice requirements are set out in Domain 3: Professional Ethics and Responsibilities of the Practice Standards (clause 61.3). The current version of the Standards is the October 2025 update, issued 14 November 2025, available from amdras.au.

Clause 62 – Compliance with regulatory obligations:

Registered Practitioners, AMDRAS accredited mediators, must comply with all relevant legal and regulatory rules and obligations. If a legal rule or obligation conflicts with a provision in the AMDRAS, the legislative or regulatory obligation prevails to the extent of any inconsistency.

Clause 63 requires AMDRAS Accredited Mediators to comply with the AMDRAS Code of Ethics.

This means that if you are also an FDR Practitioner, we will consider a complaint against the FDR Regulations 2025 and the Family Law Act 1975 if you are facilitating a dispute resolution process within the family law jurisdiction, and against the AMDRAS Standards if you are acting in the role of a mediator in other contexts.

If there is a complaint made against you, we will consider it in accordance with the Mi Independent Complaint Handling Service: www.mediationinstitute.edu.au/complaint-handling-service.

Appendix – Other Legislation

Beyond the FDR Regulations and the AMDRAS Standards, Members must be aware of their obligations under other legislation relevant to the context within which they work. The list below is a

guide to the most common obligations and who they apply to — it is not exhaustive, and obligations vary by jurisdiction and role.

Family Law Act 1975 (Cth) – Applies to all FDR Practitioners. Key provisions include confidentiality and admissibility of FDR communications (sections 10H and 10J) and section 60I certificates.

Available at [legislation.gov.au](https://www.legislation.gov.au).

Privacy Act 1988 (Cth) and the Australian Privacy Principles – Applies to how you collect, store, use and dispose of client information. Most FDRPs and mediators in private practice who handle sensitive personal information are covered. Guidance from the Office of the Australian Information Commissioner: www.oaic.gov.au.

Civil Dispute Resolution Act 2011 (Cth) – Applies to mediators working with civil disputes headed for federal courts, where parties must file a genuine steps statement showing they attempted to resolve the dispute.

Federal and State Civil Procedure Acts – Apply to mediators conducting court-referred or court-connected mediation, for example the Civil Procedure Act 2010 (Vic) and Civil Procedure Act 2005 (NSW). Check the Act for the jurisdiction in which you practise.

The Uniform Evidence Act – Governs the admissibility of evidence, including communications made in mediation, in the Commonwealth, NSW, Victoria, Tasmania, the ACT and the NT. Relevant to all mediators when considering what is and is not protected.

The Legal Profession Uniform Law – Applies to Members who are also practising lawyers in NSW, Victoria and WA. Your obligations as a legal practitioner continue to apply alongside this Code.

Family violence and child protection legislation – State and territory family violence laws (intervention, protection and apprehended violence order regimes) and child protection laws apply to practitioners working with families. Mandatory reporting obligations differ by state or territory and by profession — know the rules where you practise. All FDR Practitioners are mandatory reporters.

Human rights legislation – The Charter of Human Rights and Responsibilities Act 2006 (Vic), Human Rights Act 2004 (ACT) and Human Rights Act 2019 (Qld) apply to practitioners delivering services for or on behalf of public bodies in those jurisdictions.

Anti-discrimination legislation – Applies to all Members. Commonwealth laws include the Age, Disability, Racial and Sex Discrimination Acts, alongside state and territory anti-discrimination laws. Guidance from the Australian Human Rights Commission: [humanrights.gov.au](https://www.humanrights.gov.au).

Useful Websites

Attorney-General's Department – FDR – Accreditation, obligations and guidance for FDR Practitioners: ag.gov.au/families-and-marriage/family-dispute-resolution

Family Dispute Resolution Register – The public register all accredited FDRPs appear on: fdrr.ag.gov.au

AMDRAS – The AMDRAS Standards, Code of Ethics and guidelines: amdras.au

Federal Register of Legislation – Authoritative current versions of all Commonwealth legislation: [legislation.gov.au](https://www.legislation.gov.au)