Checklist – FDRP Ethical Practice

July 2026 – updated for the Family Law (Family Dispute Resolution Practitioners) Regulations 2025 and the AMDRAS Standards

When we are marketing and conducting our professional practices, we have some considerations to make in terms of what we are ethically able to do and what we are prohibited from doing. Work through the checklist below. Anything other than a confident "Yes" deserves attention.

Do you / have you?	Yes / No / ?
Conflict of interest – Have you checked that you haven't previously acted in a professional capacity, had previous commercial dealings, or a personal acquaintance with a party? Do you have a disclosure process if proceeding? (Section 25, FDR Regulations 2025)	
Inappropriate fee structures – Do your fees and charges apply regardless of outcome? Do you avoid contingent fee structures where you get a bonus or other benefit for a "successful" outcome?	
Referral fees / exchanges – Do you refuse to offer or receive referral fees in any form? Do you avoid referring clients to individual providers, e.g. in a referral exchange program or where the referral is not based on the client's needs?*	
Client confidentiality – Do you have strong processes in place to protect client confidentiality? Do you store confidential information securely and keep the records the Regulations require? (Section 26, FDR Regulations 2025; Privacy Act 1988)	
Explaining confidentiality – Do you explain to clients, before FDR commences, what is confidential, what is inadmissible, and the exceptions — such as preventing harm or mandatory reporting? (Sections 10H and 10J, Family Law Act 1975)	
Qualifications – Do you accurately identify your qualifications to be an FDRP in your marketing? Do you clarify and work within the scope of your role if you also have other professional roles, e.g. as a lawyer?	
Costs – Do you provide clear information about the cost of your services in advance, including any additional costs for disbursements like room hire, travel or overtime sessions?	
Guarantees – Do you make it clear that you cannot guarantee that the parties will reach agreement in FDR?	
Informed consent – Do you support clients getting legal and other advice needed to make informed decisions about engaging in FDR and committing to agreements? Do you provide legal information and avoid providing legal advice unless qualified and authorised? (Section 27, FDR Regulations 2025)	
Terms and conditions – Do you use an Agreement to Mediate or similar document explaining the terms and conditions under which your FDR services are offered?	
Honesty in marketing – Are you honest in your marketing and advertising, e.g. not claiming experience you don't have? Do you avoid misleading claims?	

Do you / have you?	Yes / No / ?
Section 60I certificates – Do you comply with the FDR Regulations 2025 when issuing section 60I certificates, including using the current certificate templates (mandatory since 1 April 2025)? Do you know what the obligations are? (Section 24)	
Compulsory information – Do you provide the Section 21 information (previously Regulation 28) before commencing FDR, in a way that is accessible and understandable by clients?	
Assessing suitability – Do you assess whether FDR is appropriate for the parties before commencing, considering family violence, safety, bargaining power and risk to children? (Section 20, FDR Regulations 2025)	
Ending or suspending FDR – Do you end a session if a party asks you to? Do you continue to monitor safety and suitability throughout, and suspend or terminate FDR if it is no longer appropriate? (Sections 22 and 23, FDR Regulations 2025)	
Mandatory reporting – Do you know your mandatory reporting obligations? All FDR Practitioners are mandatory reporters of suspected child abuse under section 67ZA of the Family Law Act 1975.	
Professionalism – Do you avoid knocking copy and extend professional courtesy to other professionals in your communications?	
Complaint handling – Do you always maintain a suitable complaints mechanism and inform clients how to make a complaint about your services?	
Maintaining accreditation – Do you maintain your accreditation by complying with obligations regarding insurance, continuing professional development (Section 18), and keeping your details up to date on the Family Dispute Resolution Register? If your FDR accreditation is contingent on national accreditation as a mediator, you must also maintain your AMDRAS accreditation — letting it lapse puts your FDRP accreditation at risk.	
Other obligations – Do you have any other professional obligations that you need to comply with, e.g. as a lawyer or psychologist?	

* Referring to individual providers is discouraged unless the referral is based on the client's needs. See clause 7 of the Mediation Institute Code of Ethics and Conduct: encourage participants to obtain professional support when appropriate, but avoid exclusive referral arrangements.

Review of Your Answers

Were there any question marks or "no"s? If you answered no or don't know, you will need to check your procedures and processes.

Failing to do any of these things could result in an upheld complaint against you or a claim against your professional indemnity insurance. If severe, it could result in the suspension or cancellation of your accreditation as an FDRP.

Resources

Mediation Institute Code of Ethics and Conduct for Members (July 2026)

The ethical standards expected of Mi Practitioner Members: www.mediationinstitute.edu.au/code-of-ethics

Family Law (Family Dispute Resolution Practitioners) Regulations 2025

www.legislation.gov.au/F2025L00304. Complaints are dealt with by the FDRP's approved complaints body, e.g. Mediation Institute: www.mediationinstitute.edu.au/complaint-handling-service. If a complaint is made and upheld, the Attorney-General's Department will be informed and your accreditation may be affected depending on the seriousness of the infraction: www.ag.gov.au.

Family Dispute Resolution Register

The public register all accredited FDRPs appear on. Keep your details current: fdrr.ag.gov.au

AMDRAS – Australian Mediator and Dispute Resolution Accreditation Standards

Replaced NMAS from 1 July 2024. Regulated through Recognised Providers, e.g. Mediation Institute, who provide complaint handling for AMDRAS Accredited Mediators. If a complaint is upheld, depending on the issue, your accreditation could be cancelled: amdras.au

Australian Consumer Law

www.consumerlaw.gov.au – regulated by the ACCC and state or territory consumer protection agencies: www.accc.gov.au

Professional Indemnity Insurance

Read your policy to see what you are and are not covered for. If you need cover or a quote, you can request one through Aon via our website: www.mediationinstitute.edu.au/aon

Professional Association

Mi Membership is low cost and Members can call and speak with a member of our team to discuss ethical dilemmas and concerns: www.mediationinstitute.edu.au/membership

Mi Mediators Network

A free network for dispute resolution professionals: network.mediationinstitute.edu.au

To Do List

What	Details	Done date