

Information for Participants: Admissibility

(Section 10J of the Family Law Act 1975)

1. Evidence of anything said, or any admission made, by or in the company of:
 - a) a family dispute resolution practitioner conducting family dispute resolution; or
 - b) a person (the professional) to whom a family dispute resolution practitioner refers a person for medical or other professional consultation, while the professional is carrying out professional services for the person;

is not admissible:

 - c) in any court (whether or not exercising federal jurisdiction); or
 - d) in any proceedings before a person authorised to hear evidence (whether the person is authorised by a law of the Commonwealth, a State or a Territory, or by the consent of the parties).
2. Subsection (1) does not apply to:
 - a) an admission by an adult that indicates that a child under 18 has been abused or is at risk of abuse; or
 - b) a disclosure by a child under 18 that indicates that the child has been abused or is at risk of abuse;
3. unless, in the opinion of the court, there is sufficient evidence of the admission or disclosure available to the court from other sources.
4. Subsection (1) does not apply to information necessary for the practitioner to give a certificate under subsection 60I(8).
5. A family dispute resolution practitioner who refers a person to a professional (within the meaning of paragraph (1)(b)) must inform the professional of the effect of this section.

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