



FEDERAL CIRCUIT
AND FAMILY COURT
OF AUSTRALIA

Court-based Family Dispute Resolution

This fact sheet is for people who have been ordered to attend a Family Dispute Resolution conference in the Federal Circuit and Family Court of Australia.



The Court has the power to refer parties to Family Dispute Resolution (FDR) under section 13C(1)(b) of the *Family Law Act 1975* (Cth) and to ensure that parties are given the opportunity to participate in respectful, resolution focussed negotiations. The Court will only make orders for these conferences where it is safe and appropriate for all parties to participate meaningfully.

Unless threats of harm to a person or child are made, all discussions at all stages of court-based FDR conferences are confidential. You will be assisted by a Registrar and, where appropriate, a Court Child Expert who is an expert in child development matters. Neither the Registrar nor the Court Child Expert will decide the matter or give legal or other advice. They will work with all parties to find a mutually acceptable outcome that will allow you to formalise your agreement and exit the court system.

Process

The Court can refer your matter to a court-based FDR conference at any time in the proceedings. The FDR conference may take place before or after an interim hearing or before or after a Child Impact Report or a private family report has been prepared.

Prior to making an order that you attend FDR, the Judge or Registrar will carefully consider your matter and assess whether any issues, such as family violence or allegations of abuse, make FDR inappropriate or require the FDR conference to be conducted in a particular format.

If you have any concerns about your safety or the dynamic between you and your former partner, you can request that the FDR take place by shuttle (this is where the parties are in separate rooms and the Registrar and Court Child Expert move between the private rooms).

The FDR conference can take place over a full day (9.00am to 4.00pm) or a half day (9.00am to 1.00pm) and will involve a Registrar (in the role of FDR practitioner) or a Registrar (in the role of FDR practitioner) and a Court Child Expert (in the role of family counsellor). The time and resources to be made available to your matter will be carefully considered at the time the order is made.

The FDR conference may take place face to face or via Microsoft Teams or other electronic means including by telephone.

Once the order for a FDR conference has been made, you will be provided with:

- a time and date for Part 1 of the FDR conference, (which will take place by telephone or via Microsoft Teams), and
- a time and date for Part 2 of the FDR conference along with details how to attend (including details of any Microsoft Teams link).

Please note the following:

- You do not need to file any additional affidavit material unless you are expressly ordered to do so.
- You must comply with the Court's directions for the preparation of the conference, which may include providing copies of any relevant expert reports and/or completing an updated [Parenting Questionnaire](#);
- You must ensure the Court has your correct telephone number and that of any legal representative; and
- You must attend all parts of the FDR conference as required by the Orders.

What happens in FDR?

The FDR conference (also referred to in the Court as a Dispute Resolution Conference – Parenting) will take place in two parts. Both are confidential.

Part 1

The Registrar will contact you at the time nominated in the order and on the number you provide. The call will take approximately 45 minutes. Please make sure you have privacy for this call. If you have a solicitor or barrister who will be at the FDR conference, they must attend this session with you.

This session is confidential and will:

- enable you to meet the Registrar who will conduct Part 2 of the FDR conference (the substantive negotiations), and
- ensure the expectations of the process and the next steps are clear to you.

You will be informed of what, if any, additional material you need to bring to the FDR conference and the time you are expected to arrive.

Any questions you have about the process, or concerns you have in relation to your safety, will be addressed in this call.

The discussions that take place at this part of the conference are privileged. This means that what is said, or any proposals made, cannot be used in court later. There are some exceptions to this privilege. For example, Registrars are required by law to report a suspicion or risk of child abuse and violence or threats of violence to the relevant child welfare authority.

Part 2

Each party (and any legal representatives) will, privately and briefly, meet the Registrar (and Child Court Expert where relevant). The Registrar/ Child Court Expert will guide the

rest of the process, which will consist of the following components:

- opening (where the Registrar and Child Court Expert will discharge their technical obligations and explain the process to all parties);
- confirming the areas of agreement and the outstanding issues to be addressed;
- negotiating; and
- documenting the agreement.

The Registrar will assess whether each of these components will be addressed in joint sessions or via shuttle in order to maximise the prospects of resolution.

The process is flexible and while most of the time will spent in negotiations, there may be times the Registrar/ Child Court Expert are working privately with you or with the other party. The Registrar/ Child Court Expert will explain the confidential nature of these discussions.

The Court recognises that the issues you will discuss at FDR are important and can be challenging, however you will be supported in raising the issues you wish to discuss and exploring options for settlement. Throughout the FDR conference, the Registrar and Child Court Expert will address any discomfort you may have about the other party or any concerns that may arise about your safety.

The discussions that take place at this part of the conference are privileged. This means that what is said, or any proposals made, cannot be used in court later. There are some exceptions to this privilege. For example, Registrars are required by law to report a suspicion or risk of child abuse and violence or threats of violence to the relevant child welfare authority.

What happens when an agreement is reached?

Once an agreement has been reached and orders have been drafted, the Registrar will make the relevant orders. Orders can be made on either an interim or final basis.

You will not be required to appear before a judge if final orders are made.

What happens if no final agreement is reached?

If no final agreement can be reached, your matter will progress to the next stage of the Court process which will be to prepare the matter for a hearing before a judge.

Remember, you can negotiate an agreement at any time prior to a judge making a final decision. Frequently, and with the benefit of time following the FDR conference, further agreements can be reached and consent orders submitted to the Court.

Legal Advice

If you are legally represented, your solicitor should attend the FDR conference with you. If you are eligible for Legal Aid you should speak

with your solicitor about funding for this event or for a Legal Aid conference.

You should seek legal advice before attending a court event. A lawyer can help you understand your legal rights and responsibilities and explain how the law applies to your case. A lawyer can also help you reach and draft a binding agreement. You can seek legal advice from a legal aid office, community legal centre or private law firm. Court staff can help you with questions about court forms and the Court process, but cannot give you legal advice.

Personal Safety


If you have any concerns about your safety while attending court, please call **1300 352 000** before the conference. Options for your safety at court will be discussed and arrangements put in place.

By law, people must inform a court if there is an existing family violence order or proceedings for such an order involving themselves or their children. More detail is available in the brochure [Do you have fears for your safety when attending court?](#) available on the Court's website at www.fcfcoa.gov.au.

Need more information?

For more information about family dispute resolution see [Dispute resolution in family law proceedings](#) on the Court's website at www.fcfcoa.gov.au, or

For more information about filing an application with the Court:

- live chat on the website 
- call the Court on **1300 352 000**.