

Information for Participants: Confidentiality

(Section 10H of the Family Law Act 1975)

1. A Family Dispute Resolution Practitioner must not disclose a communication made to the practitioner while the practitioner is conducting family dispute resolution, unless the disclosure is required or authorised by this section.
2. A family dispute resolution practitioner must disclose a communication if the practitioner reasonably believes the disclosure is necessary for the purpose of complying with a law of the Commonwealth, a State or a Territory.
3. A family dispute resolution practitioner may disclose a communication if consent to the disclosure is given by:
 - a) if the person who made the communication is 18 or over—that person; or
 - b) if the person who made the communication is a child under 18:
 - i. each person who has parental responsibility (within the meaning of Part VII) for the child; or
 - ii. a court.
4. A family dispute resolution practitioner may disclose a communication if the practitioner reasonably believes that the disclosure is necessary for the purpose of:
 - a) protecting a child from the risk of harm (whether physical or psychological); or
 - b) preventing or lessening a serious and imminent threat to the life or health of a person; or
 - c) reporting the commission, or preventing the likely commission, of an offence involving violence or a threat of violence to a person; or
 - d) preventing or lessening a serious and imminent threat to the property of a person; or
 - e) reporting the commission, or preventing the likely commission, of an offence involving intentional damage to property of a person or a threat of damage to property; or
 - f) if a lawyer independently represents a child's interests under an order under section 68L—assisting the lawyer to do so properly..

JD ROUSSEY

CHOICE Family Dispute Resolution & Mediation
Family Dispute Resolution Practitioner
AMDRAS Advanced Mediator

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5. A family dispute resolution practitioner may disclose a communication in order to provide information (other than personal information within the meaning of section 6 of the *Privacy Act 1988*) for research relevant to families.
6. A family dispute resolution practitioner may disclose information necessary for the practitioner to give a certificate under subsection 60I(8).
7. Evidence that would be inadmissible because of section 10J is not admissible merely because this section requires or authorises its disclosure.
8. Note: This means that the practitioner's evidence is inadmissible in court, even if subsection (2), (3), (4), (5) or (6) allows the practitioner to disclose it in other circumstances.
9. In this section:

Communication includes admission.

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