

FAMILY LAW (FAMILY DISPUTE RESOLUTION PRACTITIONERS) REGULATIONS 2008

Sub Regulation 25(2)

Family dispute resolution practitioners -- assessment of family dispute resolution suitability

(1) Before providing family dispute resolution under the Act, the family dispute resolution practitioner to whom a dispute is referred must be satisfied that:

- (a) an assessment has been conducted of the parties to the dispute; and
- (b) family dispute resolution is appropriate.

(2) In determining whether family dispute resolution is appropriate, the family dispute resolution practitioner must be satisfied that consideration has been given to whether the ability of any party to negotiate freely in the dispute is affected by any of the following matters:

- (a) a history of 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 suffer abuse;
- (e) the emotional, psychological and physical health of the parties;
- (f) any other matter that the family dispute resolution practitioner considers relevant to the proposed family dispute resolution.

(3) If, after considering the matters set out in sub regulation (2), the family dispute resolution practitioner is satisfied that family dispute resolution is appropriate then, subject to [regulations 28](#) and [30](#), the family dispute resolution practitioner may provide family

dispute resolution.

(4) If, after considering the matters set out in sub regulation (2), the family dispute resolution practitioner is not satisfied that family dispute resolution is appropriate, the family dispute resolution practitioner must not provide family dispute resolution.