



Australian Dispute Resolution Association Inc.

*Supporting and transforming the community of dispute resolution practice by providing leadership, direction and growth.*

ABN 75 535 099 840

ADRA is not registered for GST

ADRA acknowledges the traditional owners of this land and pays respect to their Elders past, present and emerging.

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## ADRA COMPLAINT HANDLING PROCEDURES

### 1. Definitions

**Accreditation** means accreditation or reaccreditation under AMDRAS.

**Accredited Practitioner** means a Member who has received accreditation or re-accreditation by ADRA.

**ADRA** means the Australian Dispute Resolution Association.

**ADRA's Board** means the group of Members who serve from time to time on ADRA's Board of Management.

**ADRA's Accreditation Officer** means the Member who is serving from time to time as ADRA's Accreditation Officer, or in his or her absence, the Deputy or acting Accreditation Officer.

**ADRA's Secretary** means the Member who is serving from time to time as ADRA's Secretary, or in his or her absence, the Deputy or acting Secretary.

**AMDRAS** means the Australian Mediator and Dispute Resolution Accreditation Standards.

**AMDRAS Board** means the group of persons who serve from time to time on AMDRAS's Board of Direction.

**Complaint** means a complaint made in relation to a Member's performance or actions in relation to the conduct of a mediation or other dispute resolution procedure.

**Complainant** means a person who lodges a Complaint with ADRA.

**Complainees** means a Member against whom a Complaint has been lodged with ADRA.

**FDRP** means a Member who is registered by the Secretary as a family dispute resolution practitioner under the Family Law Act 1975 and who has nominated ADRA to the Secretary as the Member's approved complaints body.

**FDR Regulations** means the Family Law (Family Dispute Resolution Practitioner) Regulations 2025.

**Governance Committee** means the members of ADRA's Board of Management serving from time to time on its Governance Committee.

**Member** means a financial member of ADRA.

**Registered Practitioner** means a Member accredited under AMDRAS and listed on the AMDRAS National Register.

**Secretary** means the Secretary of the Attorney General's Department serving from time to time.

## 2. **Responsibility**

ADRA's **Secretary** shall be responsible for the administration of these Procedures and for all contact with the Complainant and the Complainee.

**The Governance Committee** shall be responsible for considering and deciding upon all Complaints.

## 3. **How Complaints can be made**

With ADRA being a volunteer organisation with no permanent staff, complaints need to be in writing and emailed to [Info@adra.org.au](mailto:Info@adra.org.au). Complaints where properly made will only be accepted by ADRA in relation to Accredited Practitioners and FDRPs during the period:

- (a) beginning on the day the practitioner is first engaged by the persons to undertake family dispute resolution with them; and
- (b) ending no less than 12 months after the day the family dispute resolution ends.

It is desirable, but not essential, that the Complainant has first approached the Complainee in relation to the substance of the Complaint.

## 4. **Confidentiality of a Complaint**

Information concerning a Complaint shall be confidential and shall only be disclosed as necessary to the Complainant, the Complainee, ADRA's Secretary and members of ADRA's Governance Committee.

Decisions of the Governance Committee shall only be disclosed to the Complainant, the Complainee, ADRA's Secretary, and, where required, to AMDRAS Board and/or the Secretary.

## 5. **On Receipt of a Complaint**

ADRA's Secretary shall promptly acknowledge to the Complainant the receipt of the Complaint and advise what actions will be taken. Depending on the circumstances and subject to ADRA's Secretary's sole discretion, such actions may include:

- Asking the Complainant to seek a response from the Complainee to the

Complaint within 14 days or such other time as allowed;

- Asking the Complainee to respond to the Complaint within 14 days or such other time as allowed; and
- Referring the Complaint to ADRA's Governance Committee promptly where the Complaint as lodged includes the response of the Complainee, and where the time allowed in the preceding two actions has expired, with or without a response.

#### **6. Deliberations of the Governance Committee**

A meeting of the Governance Committee shall be held as soon as practicable to consider the Complaint and any response from the Complainee.

The Governance Committee will consider the Complaint and any response in the light of AMDRAS procedural rules in the case of an Accredited Practitioner and in the case of an FDRP, compliance with the requirements imposed by the Family Law Act and the FDR Regulation on an FDRP.

The deliberations of the Governance Committee shall be confidential to its members.

#### **7. Decisions of the Governance Committee**

The Governance Committee may decide that the Complaint has been upheld or not upheld.

Where the decision is that the complaint should be upheld, the Governance Committee may cancel, suspend and/or place special conditions on the Complainee, with such special conditions may require further training, professional development, supervision, coaching and/or mentoring. ADRA's Accreditation Officer shall supervise compliance with any such special conditions.

#### **8. Advice of Decisions of the Governance Committee**

ADRA's Secretary shall as soon as practical after a decision has been reached by the Governance Committee:

- a. Advise the Complainant simply whether the Complaint has been upheld or not upheld;
- b. Advise the Complainee as to whether the Complaint has been upheld or not upheld, and if upheld, the reasons why and whether the Complainee's Accreditation has been cancelled, suspended or placed with special conditions; and
- c. Where a Complaint has been upheld and there is a requirement for reporting, advise AMDRAS Board and/or in the case of a FDRP, the Secretary, and copied to the Complainee.

## **9. Record Keeping**

The Secretary shall maintain a Complaint Register recording for each Complaint received:

1. The dates when:
  - a. the Complaint was received;
  - b. the Complainee's Response was received;
  - c. the Governance Committee was asked to review;
  - d. the Governance Committee reached a decision;
  - e. the Secretary gave the advices in section 8; and
  - f. the Complainee satisfied any conditions for ADR practice or requirement for further training, professional development, supervision, coaching and/or mentoring, as sought by the Governance Committee.
2. The nature of the Complaint;
3. The name of the Complainee;
4. What decision the Governance Committee reached; and
5. Any other relevant information.

The Complaint Register may be inspected by members of the Governance Committee and delegates of AMDRAS Board and/or the Secretary, but otherwise kept confidential.

## **10. Accredited Practitioners**

The Secretary shall provide the AMDRAS Board with:

- a. The names of Members whose Accreditation has been cancelled, suspended or lapsed (clause 69 (c)(iii) of AMDRAS); and
- b. A de-identified summary of the number and type of Complaints received in respect to Accredited Practitioners during a financial year or upon the request of the AMDRAS Board for a specified period (clause 66.2(c) of AMDRAS).

## **11. FDRPs**

- (1) For the purpose of these Procedures, ADRA's Secretary shall keep a Register of Members who are FDRPs.
- (2) If either of the following circumstances occurs, ADRA's Secretary must notify the Secretary, in writing, of the circumstance and the date on which it occurred:
  - (a) ADRA ceasing to provide a complaint mechanism to a FDRP for access by persons undertaking family dispute resolution with that FDRP;
  - (b) ADRA ceases to provide services as an approved complaints body.

*Requirement to provide information to Secretary about substantiated complaints*

(3) If the Governance Committee considers, because of the seriousness of a substantiated complaint against a FDRP, that the practitioner may no longer be suitable to be an accredited family dispute resolution practitioner, ADRA's Secretary must notify the Secretary, in writing and within a reasonable period, of the substantiated complaint.

(4) Without limiting subsection (3), in considering the seriousness of a substantiated complaint, the Governance Committee must take into account the following

- (a) whether the substantiated complaint involves a material contravention of section 20 or 25;
- (b) whether, in response to the complaint, the Governance Committee considers that it is necessary to arrange for the supervision of, or further training and professional development for, the FDRP.