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WHO HAS TO ATTEND MEDIATION?

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Mediation is an alternative to having a Court decide the outcome in your matter. A mediator's role in Family Law matters is to assist a separated couple to sort through the issues and try and help them come to an agreement themselves regarding either property settlement or parenting arrangements (or both). To find out more about mediation and how to prepare, read our article "[What you need to know about Mediation](#)".

We often see clients confused about when, or if, they should attend mediation. Mediation is not compulsory unless a parent is seeking to obtain a Parenting Order from the Court, in which case they must attend mediation and obtain a Section 60I Certificate (to find out more, read our article "[What is a Section 60I Certificate](#)"). It is important to keep in mind when booking a mediation that not all mediators can provide these certificates, only Accredited FDR practitioners registered with the Federal Attorney-General can issue a 60I Certificate.

Although mediation is not compulsory prior to filing an Application in Court seeking property settlement orders, it is preferable if parties to a property settlement dispute also attend mediation to try and resolve the matter prior to a final hearing in Court. The policy of the Federal Circuit Court in Brisbane is that in financial matters where parties have appropriate financial resources, they will be referred to private mediation. Where parties cannot afford the costs of private mediation, the Court will likely order the parties attend a conciliation conference convened by a Registrar of the Court.

Mediation is a helpful process if you have received appropriate legal advice beforehand and are well prepared. If you have not, the mediation could have a profoundly negative effect on the resolution of issues. It is important to obtain independent legal advice from an experienced family law solicitor prior to attending any mediation in relation to family law matters.

DISCLAIMER

The information contained on this site is for general guidance only. No person should act or refrain from acting on the basis of such information. Appropriate professional advice should be sought based upon your particular circumstances because the application of laws and regulations undergo frequent changes. For further information, please do not hesitate to contact Michael Lynch Family Lawyers on law@mlynch.com.au.

