

Court proceedings and litigation doesn't have to be the only way.

The alternative is mediation or what is referred to by the Family Law Act as "Family Dispute Resolution". Family Dispute Resolution is a process whereby parties can meet with a Family Dispute Resolution Practitioner "FDRP", who is also commonly referred to as a mediator, to discuss their issues and think of options to resolve disputes that may have resulted from their separation.

FDR is ideal to discuss parenting arrangements post separation as well as property matters.

Parents or other interested persons in a child's life cannot go to court for parenting orders unless a certificate has been issued by an accredited Family Dispute Resolution Practitioner to indicate that the parties have attempted FDR. There are exceptional circumstances where such certificate is not required, however, the general rule is mediation is necessary before court proceedings are commenced.

Mediation or FDR is an opportunity to discuss the party's concerns and the options available to try and reach an agreement without the matter escalating further or requiring a determination by a Judge or a Magistrate.

A Family Dispute Resolution Practitioner must remain impartial and not take sides whilst assisting the parties to reach an agreement. The mediation is an opportunity for the parties to speak freely but with respect and without interruption.

All discussions held during the mediation are confidential and, accordingly, any information exchanged between the parties is not allowed to be used in subsequent court litigation. There are exceptions to this rule such as where threats are made against the other person or the other person's property or there is a disclosure that the child may have been subjected to abuse or there is a risk of abuse.

The mediation process can be attended either by the parties on their own or the parties with their lawyers, if they have engaged lawyers or if they wish to have the lawyers present with them.

The aim of a mediation is to reach agreement to finalise a dispute, however, even if no agreement is reached, usually the conferences are useful in narrowing the issues in dispute and helping the parties communicate better in the future.

If an agreement is reached in relation to parenting matters, then the agreements can be formalised by way of either a parenting plan or consent orders.

FDR is a cost effective way of dealing with disputes, however, it is not appropriate in every case particularly in matters involving family violence. FDR is determined on every matter after speaking to both parties and completing the intake procedure.

We have facilities available and are able to conduct the mediations at our offices or an alternative venue as agreed between the parties.



Brett McGrath

Partner, Family Dispute Resolution

Campbelltown

Corner of Queen & Dumaresq Street
P: 4626 5077

Camden

115 Argyle Street
P: 4655 7121

Oran Park

351, Suite 302 3rd floor, Oran Park Drive
P: 4601 1811

Liverpool

Suite 13, 170 George Street
P: 9601 5666

Sydney

Suite 1, First Floor, 154 Elizabeth Street
P: 9233 1133



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Partner
Family Dispute Resolution
e: bmcgrath@marsdens.net.au

Contact Us

Parties and legal professionals seeking to resolve disputes outside of the Court process can rely on the expert assistance of Brett McGrath, Marsdens Law Group's Partner in charge of Family Dispute Resolution. Brett is dedicated to helping clients navigate the often challenging and costly process of family law separations, offering a practical and empathetic approach.

Brett brings a wealth of experience, including his tenure as a Senior Judicial Registrar at the Federal Circuit and Family Court of Australia in Sydney, where he earned a reputation for 'settling the unsesttable.' He played a critical role in developing innovative mediation pathways within the Court and served as the Director for National Registrar Practice across Australia. Brett is a Nationally Accredited Mediator (NMAS), a member of the Australian Institute of Family Law Arbitrators and Mediators (AIFLAM), and the first legal professional registered under the Lawyer Mediation Accreditation (LMA) Scheme.



In 2024, Brett served as the President of the Law Society of New South Wales, further showcasing his leadership and commitment to advancing the legal profession. His deep understanding of complex family law matters stems from his extensive experience on the bench, where he adjudicated interim property, parenting, and spousal maintenance disputes with fairness and expertise. Brett's reputation as a sensible, impartial, and skilled mediator is recognized nationwide.

Fee Schedule

The cost for a full day mediation with Brett McGrath is \$6,600 including GST for Sydney metro areas (including Wollongong). Outside of Sydney metro, the cost will be \$7,700 including GST plus travel expenses.

To book a mediation with Brett McGrath or make an enquiry, please email bmcgrath@marsdens.net.au and cpink@marsdens.net.au

Liability limited by a scheme approved under Professional Standards Legislation.