

The 10th National Mediation Conference
Tuesday 7 September 2010
MSB Launch Speech delivered by
The Hon Justice Murray Kellam AO – Chairman NADRAC

1. I am delighted to have been asked to formally launch the Mediator Standards Board (MSB) today on behalf of the Federal Attorney General.
2. The MSB was developed to support and implement the National Mediator Accreditation System (NMAS). This system has prompted the biggest transformation to the professional landscape in the history of mediation in Australia by providing an overarching, base level of accreditation for all mediators irrespective of their field of work. Suitably qualified mediators can now become nationally accredited by Recognised Mediator Accreditation Bodies (RMABs) and these changes are of enormous benefit to the mediation field and importantly, to consumers of mediation services.
3. Indeed, Australia is the only country to have established a national scheme for mediator standards and accreditation and this has been achieved through a process of consultation and industry self-regulation. The launching of the MSB today reflects positively on the willingness of the mediation profession in Australia to achieve self regulation and to collaborate to establish a body of standards, notwithstanding the diversity of the field and its respective differences.
4. The theme of this year's conference is "new frontiers...celebrating the past, embracing the present and creating the future" and the history of the MSB is worthy of celebration! Since its establishment in 1995, NADRAC has been actively working towards, and has been a longstanding advocate of the development of a national, voluntary, industry accreditation standard for mediators. I am therefore very pleased to see that the Standards have been embedded and are easily accessible on the MSB website (www.msb.org.au). I am also pleased to see that the MSB has a mandate to further develop the Standards and to support and encourage the RMABs (and mediation training organisations) to meet their objectives in relation to the Standards.
5. We have certainly come a long way since 2004 when the first set of core competencies for mediators was developed and since 2007, when the first draft of the Approval and Practice Standards was circulated. Then in 2008, the National Mediator Accreditation Committee

(NMAC) was established to implement a permanent Mediator Standards Body by 2010. NMAC's work has included facilitating a decision by its members on the governance structure for the MSB, drafting the new MSB constitution, and incorporating the company as a not for profit organisation. NMAC was very grateful to receive assistance from Gilbert + Tobin law firm which provided pro bono legal assistance in relation to the governance structure and the drafting of the Constitution. In addition, NMAC established and supervised committees responsible for practice and compliance, complaints handling and MSB operations. These Committees were made up of volunteers and reported on their work at the quarterly NMAC meetings. NMAC has also facilitated agreement on the corporate image of the MSB and I am told that the circle logo in its professional tones of blue and grey represents unity and the coming together of the various strands of the profession and the strength that comes from collaboration.

6. The MSB is an independent industry body that will be substantially, if not wholly, funded by the mediation sector. Although it was not resourced to do so, the NADRAC Secretariat has been pleased to offer administrative support and assistance to NMAC and to the NMAC working groups in the past. Then, in 2009, NMAC obtained a grant from the Commonwealth and this made it possible to engage Executive and Administrative support to assist the MSB to become a truly independent body. A close liaison between NADRAC and NMAC has continued notwithstanding the coming of age and fiscal independence of the MSB. A NADRAC observer has been present and attended all meetings of the NMAC Executive Committee and the newly operational MSB. NADRAC has been pleased to play a role in the establishment of the MSB and looks forward to a solid and close continuing relationship.
7. NADRAC is very pleased that the Mediator Standards Board has been developed and that there is now one single entity in Australia that is responsible for mediator standards and for overseeing the accreditation system. It is also significant that the National Mediation Accreditation System has bi-partisan support from both the Labour and the Coalition Governments.
8. The time is right for mediation to assume a strong position as a best practice conflict resolution process. Nationally consistent standards of practice and the existence of the MSB provide the basis for mediation to develop in this way. Having standards in place enhances the quality and ethics of ADR practice, facilitates consumer education and builds consumer confidence. Standards improve the capacity and coherence of the ADR field and most importantly improve the credibility of mediation as an alternative to litigation and as a dispute resolution system in its own right.

9. As I mentioned, the theme of this year's conference is "new frontiers...celebrating the past, embracing the present and creating the future." Consistent with this theme, the very existence of the MSB is a tribute to the significant contribution of the mediation profession to the development of a system for standards and accreditation. Looking forwards, the MSB provides an opportunity for the profession to collaborate to achieve consistency in the application of the standards and to develop the standards as needs arise in the future.

10. In conclusion, I want to thank and congratulate the members of NMAC for the work done by them over the last two years and to recognise the important achievements of representatives of this diverse industry who have worked together to ensure that the mediation field in Australia continues to support excellence in mediator standards and accreditation. I also want to congratulate the current and future members of MSB on ensuring that quality and consistency in mediator standards continue to be promoted and fostered into the future.

11. I am very pleased to officially launch the MSB and its informative new website.
(www.msb.org.au)