



COMPARISON GUIDE

NMAS v AMDRAS

Comparison Document

Original NMAS	AMDRAS Standards Draft
National Mediator Accreditation System (NMAS)	Australian Mediator and Dispute Resolution Practitioner Accreditation System (AMDRAS)
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Part 1: Definitions, Objectives and Application
Definitions¹

Key terms are defined as below:

Term	Meaning
Accredited Mediator	See clause 14.
Advanced Mediator	See clause 15.
AMDRAS (or ‘The AMDRAS’)	The Australian Mediator and Dispute Resolution System. Note. AMDRAS is a national accreditation scheme for NDR practitioners and specialists. Amongst other things, it specifies minimum standards of training, assessment and practice.
AMDRAS Members	The persons or bodies recognised by the AMDRAS Board as AMDRAS Members. Note. These can include professional, government, community and consumer organisations, and education and training providers.
AMDRAS Standards (or ‘Standards’)	The Approval Standards and the Practice Standards.
Approval Standards	The standards for accreditation under AMDRAS. See clause 9 and Part 4.
Board	The Board of AMDRAS. Note. The Board was formerly the board of the Mediator Standards Board Ltd. In that capacity it established the National Mediator Accreditation System (or ‘NMAS’), now superseded by AMDRAS.
Certificate of Assessment (or ‘COA’)	See clause 26.
Certificate of Training (or ‘COT’)	See clause 21.
Code of Ethics	See clause 65.
CPD	Continuing professional development.
Constitution	The Constitution of the Mediator Standards Board Limited ABN 11 145 829 812.

¹ The NMAS did not have a definitions section.

Leading Mediator	See clause 16.
National Register (or 'Register')	The National Register of Dispute Resolution Practitioners. Note. The National Register is the authoritative list of Registered Practitioners who meet the requirements for registration under the AMDRAS. See Part 7.
Practice Standards	See clause 60 and Part 5.
Practicum Certificate	See clause 30.
Professional Attributes	See clause 61. Note. The Professional Attributes reflect the knowledge, skills and behaviours reasonably expected of persons with AMDRAS accreditation.
Professional Practice Domains	The areas within which NDR practitioners practice, as set out in clause 62.
Recognised Accreditation Provider (or 'RAP')	A person or body authorised to grant accreditation under the TAF.
Recognised Provider (or 'RP')	A person or body authorised under AMDRAS to provide training, accreditation, and NDR services.
Recognised Training Provider (or 'RTP')	A person or body authorised under AMDRAS to provide training under the TAF and other AMDRAS-related training.
Registered Practitioner	A practitioner accredited under AMDRAS and listed on the National Register.
Register	See National Register.
Specialist Practitioner	See clause 17.
TAF	Training and Accreditation Framework.
Standards	See AMDRAS Standards.

5. Glossary

In this document, the following terms, though not strictly defined, are used in the sense shown.²

Non-determinative Dispute Resolution (NDR)	The process by which parties to a dispute attempt to reach a mutually agreed resolution, with the help of a third person (the ‘mediator’ or ‘specialist practitioner’) who lacks the authority to impose a solution on the parties. NDR includes mediation, conciliation, restorative justice processes, and family dispute resolution; but it does not include determinative forms of alternative dispute resolution, such as arbitration.
Mediation	A confidential facilitative process, in which the parties to a dispute, with the help of a dispute resolution practitioner (the mediator), endeavour to reach an agreement. The mediator does not have a determinative role and does not advise the parties unless with their express consent.
Mediator	A third party who assists parties to a dispute identify the disputed issues, develop options, consider alternatives and endeavours to assist them to reach an agreement. A mediator has no advisory or other determinative role regarding the content of the dispute or the outcome of its resolution but may advise on or determine the process of mediation whereby resolution is attempted.

² The Glossary is also a new edition which avoids the pitfalls of a “definition”.

National Mediator Accreditation System (NMAS)	Australian Mediator and Dispute Resolution Practitioner Accreditation System (AMDRAS)
<p>Part I - Introduction</p> <p>Purpose</p> <p>The NMAS promotes quality, consistency and accountability of NMAS accredited mediators within the diversity of mediation practice in Australia. It informs participants in mediation (participants) about what they can expect of a NMAS accredited mediator.</p>	<p>7 Objectives of AMDRAS</p> <p>The objectives of AMDRAS include the following:</p> <ul style="list-style-type: none"> (a) to establish, regulate and promote: <ul style="list-style-type: none"> (i) the professional standards for Registered Practitioners; (ii) the training and accreditation requirements for Registered Practitioners; (iii) the obligations of organisations authorised to provide training and accreditation; (iv) all aspects of the administration of AMDRAS; (v) public protection and stakeholder confidence in AMDRAS, including mechanisms for engagement and feedback; (b) to ensure transparency, quality, consistency and accountability in the professional practice of Registered Practitioners; (c) to advance the professional status of Registered Practitioners; (d) to provide a foundation on which the Board can systematically reflect, plan, and take strategic action for, the development and advancement of NDR domestically and internationally. <p>Note. Under clause 3 of the Constitution of the Mediator Standards Board Ltd ('the company'), the company's objects are to develop, maintain and amend the AMDRAS (formerly the NMAS), with ancillary powers to further those objects. The company acts through its board of directors ('the Board').</p>
<p>Application</p> <p>These Standards apply when a person is seeking accreditation in relation to and conducting mediation processes as defined in Section 2 of the <i>Practice Standards</i>.¹ When a person practises as a mediator in other contexts, such as hybrid, blended or statutory environments, additional requirements relevant to that context may apply.</p> <p>Footnote</p>	<p>8 Application and binding force of AMDRAS</p> <ul style="list-style-type: none"> (a) The AMDRAS applies to: <ul style="list-style-type: none"> (i) Recognised Providers (including Recognised Accreditation Providers and Recognised Training Providers); (ii) all persons or entities responsible for overseeing or implementing the AMDRAS, including the Board and AMDRAS Members; (iii) all those listed on the National Register. (b) The AMDRAS Standards apply whenever a Registered Practitioner engages in: <ul style="list-style-type: none"> (i) NDR; or (ii) NDR conducted as part of a hybrid or blended process, excluding any determinative

<p>Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:</p> <ul style="list-style-type: none"> (a) communicate with each other, exchange information and seek understanding (b) identify, clarify and explore interests, issues and underlying needs (c) consider their alternatives (d) generate and evaluate options (e) negotiate with each other; and (f) reach and make their own decisions. 	<p>aspect of the process (but including any adaptations required to enable a non-determinative aspect to function effectively alongside the determinative aspect).</p> <p>(c) The AMDRAS binds all persons and entities to whom it applies.</p>
<p>Role of mediators in a mediation process</p> <p>A mediator uses the knowledge, skills and ethical principles referred to in Part III Section 10.1 of the NMAS to assist participants to make their own decisions in relation to disputes, conflicts or differences among them.</p>	<p><i>Part 5 of the Standard and Appendices 1-4 now encompass the roles of the mediator through use of the Professional Domains structure.</i></p>
<p>Structure</p> <p>The NMAS comprises the following:</p> <ul style="list-style-type: none"> • <i>Approval Standards</i> which specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation • <i>Practice Standards</i> which specify the minimum practice and competency requirements of a NMAS accredited mediator • <i>Recognised Mediator Accreditation Bodies (RMABs)</i> which accredit mediators according to the <i>Approval and Practice Standards</i> • The <i>Register of Nationally Accredited Mediators (National Register)</i> which is the authoritative list of NMAS accredited mediators • The <i>Mediator Standards Board (MSB)</i>, which oversees the NMAS. Members of the MSB comprise RMABs; professional, government, community and consumer organisations; and education and training providers. 	<p>Nothing quite comparable but see CI 3.</p> <p>3. This document consists of the following:</p> <ul style="list-style-type: none"> • Parts 1–8 • Appendix 1: Guidelines—AMDRAS Training and Assessment Framework (TAF) • Appendix 2: CPD Contents Schedule and Record Sheet • Appendix 3: AMDRAS Code of Ethics • Appendix 4: Guidelines in relation to Professional Skills, Ethics and Responsibilities. • Appendix 5: Complaint-handling by Recognised Providers: Suggested Model Policy

Part II – Approval Standards	Part 4– The Training and Accreditation Framework (TAF)
<p>1 Application</p> <p>1.1. The <i>Approval Standards</i> apply to any person seeking accreditation (an applicant) and to a mediator who is already accredited under the NMAS.</p> <p>1.2. The <i>Approval Standards</i>:</p> <p>(a) specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation</p> <p>(b) should be read in conjunction with the Practice Standards (Part III of the NMAS), with which NMAS accredited mediators must also comply.</p>	<p>Division 1 - Overview of this Part</p> <p>9 What this Part does</p> <p>(a) This Part sets out the standards for training and accreditation.</p> <p>(b) In overview, this Part covers the following matters:</p> <ul style="list-style-type: none"> (i) the establishment and purpose of the TAF. (ii) levels of accreditation as registered practitioners. (iii) training and assessment for accreditation as Registered Practitioners. (iv) alternative pathways to accreditation. (v) advanced training. (vi) applications for accreditation. (vii) renewing accreditation. (viii) leave of absence. (ix) suspension, cancellation and lapsing of accreditation. (x) re-instatement of accreditation. <p>Division 2 - Establishment, purpose, providers, and guidelines</p> <p>10 Establishment of TAF</p> <p>This Division establishes the AMDRAS Training and Accreditation Framework (TAF).</p> <p>11 Purpose of TAF</p> <p>(a) The AMDRAS Training and Accreditation Framework (TAF) aims to make clear the knowledge and skills necessary for practice as a Registered Practitioner.</p> <p>(b) In doing so, the TAF:</p> <ul style="list-style-type: none"> (i) draws on established principles and policies; and (ii) seeks to take account of each of the following: <ul style="list-style-type: none"> (A) the complex and autonomous skills required of effective NDR practitioners. (B) the recognition of prior learning. (C) alternative pathways to accreditation. (D) credit transfer. <p>(c) Also, in doing so, the TAF seeks to:</p> <ul style="list-style-type: none"> (i) ensure that all Registered Practitioners have the required Professional Attributes.

	<ul style="list-style-type: none"> (ii) ensure quality, consistency, and transparency. (iii) include the differing contexts and processes involved in NDR practice. (iv) provide a graduated entry into NDR practice, to ensure that new practitioners develop their skills in an environment that offers effective mentoring and support. <p>12 Board’s guidelines for training and assessment</p> <ul style="list-style-type: none"> (a) The Board may issue guidelines governing the content and nature of the required training and assessment of Registered Practitioners. The current guidelines are contained in Appendix 1 to this document. (b) Unless the guidelines state otherwise, they are binding and must be followed. (c) The Board may at any time: <ul style="list-style-type: none"> (i) amend, add to, delete, or replace the guidelines. (ii) publish the guidelines as a separate document. (d) If a provision in this Part conflicts with a provision in the guidelines, this Part prevails. (e) The power to issue guidelines under this clause 12 does not derogate from the Board’s general power to issue guidelines under clause 85.
<p>2 Approval requirements for accreditation</p> <p>2.1 An applicant must be of good character and possess appropriate personal qualities and experience to conduct a mediation process independently, competently and professionally. An applicant must:</p> <ul style="list-style-type: none"> (a) provide written references from two members of their community who have known them for more than three years to the effect that they are of good character, or demonstrate that they already satisfy this 	<p>Division 9 - Applications for accreditation</p> <p>37 Operation of this Division</p> <ul style="list-style-type: none"> (a) <i>This Division governs applications for accreditation under AMDRAS.</i> (b) <i>It applies to initial accreditation as Accredited Mediator and, with appropriate modifications, to accreditation as Advanced Mediator, Leading Mediator, and Specialist Practitioner.</i> <p>38 Applications</p> <p><i>Applications for accreditation are made to a Recognised Accreditation Provider (RAP).</i></p> <p>39 Character, references, and disclosures</p> <ul style="list-style-type: none"> (a) <i>An applicant for accreditation must, in the RAP’s opinion:</i> <ul style="list-style-type: none"> (i) <i>be of good character; and</i> (ii) <i>possess personal qualities and experience appropriate to conducting mediations or other</i>

<p>requirement under another system;</p> <p>(b) disclose if they have been disqualified from any type of professional practice;</p> <p>(c) disclose any criminal conviction;</p> <p>(d) disclose any impairment that could influence their capacity to discharge their obligations in a competent, honest and professional manner;</p> <p>(e) disclose if they have ever been refused NMAS accreditation or accreditation renewal or had their accreditation suspended or cancelled.</p> <p>(f) comply with the <i>Approval Standards and Practice Standards</i>, with any relevant legislation, professional standards and any other requirements that may be relevant to them;</p> <p>(g) pay the MSB registration fee in accordance with their RMAB's practices;</p> <p>(h) become and remain a member of an RMAB or a member or employee of an organisation with a relevant ethical code or standard and a complaints and disciplinary procedure that can address complaints against mediators;</p> <p>(i) acknowledge that an RMAB can disclose information about them to the MSB and the MSB can release it to other RMABs upon request; and</p>	<p><i>NDR processes independently, competently, and professionally.</i></p> <p>(b) <i>The applicant must:</i></p> <p>(i) <i>provide written references that attest to the applicant's good character, from two members of the applicant's community who have known the applicant for at least 3 years; or</i></p> <p>(ii) <i>satisfy the RAP that the applicant has already satisfied this requirement under a comparable accreditation system.</i></p> <p>(c) <i>The applicant must disclose any:</i></p> <p>(i) <i>disqualification from any type of professional practice.</i></p> <p>(ii) <i>criminal conviction.</i></p> <p>(iii) <i>impairment that could influence their capacity to discharge their obligations in a competent, honest, and professional manner.</i></p> <p>(iv) <i>refusal of accreditation or accreditation-renewal.</i></p> <p>(v) <i>suspension or cancellation of accreditation.</i></p> <p>40 Time limits</p> <p>(a) <i>An applicant for initial accreditation as an Accredited Mediator must apply within 6 months of obtaining a Certificate of Assessment.</i></p> <p>(b) <i>An applicant for accreditation as an Advanced Mediator must apply within 6 months of obtaining a Practicum Certificate.</i></p> <p>41 Payment</p> <p><i>An applicant for accreditation must pay the registration fee for listing on the National Register.</i></p> <p>42 Membership of Recognised Accreditation Provider or equivalent organisation</p> <p><i>An applicant for accreditation must become and thereafter remain:</i></p> <p>(a) <i>a member, or employee, of a Recognised Accreditation Provider; or</i></p> <p>(b) <i>a member or employee of an equivalent body or organisation approved by the Board that has:</i></p> <p>(i) <i>an appropriate ethical code or standard, and</i></p>
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<p>(j) be covered by relevant professional indemnity insurance or have statutory immunity.</p>	<p>(ii) <i>a complaints and disciplinary procedure that adequately addresses complaints against NDR practitioners.</i></p> <p>43 Privacy consents <i>An applicant for accreditation is taken to (and if requested, must expressly) consent to:</i></p> <ul style="list-style-type: none"> <i>(a) their personal information being disclosed to the Board or relevant AMDRAS related entity; and</i> <i>(b) the Board or entity releasing the information to other AMDRAS-related entities (but to no-one else without the consent of all parties concerned).</i> <p>44 Insurance <i>An applicant for accreditation must:</i></p> <ul style="list-style-type: none"> <i>(a) be covered by professional indemnity insurance commensurate with their level of accreditation under AMDRAS; or</i> <i>(b) have statutory immunity from liability.</i>
<p>2.2 An applicant must have completed a training programme which at least meets the requirements set out in Section 2.3 and must have met the assessment requirement set out in Section 2.4 within 6 months preceding the formal notification to the applicant of assessment as competent, or, must have fulfilled the alternative training and assessment requirements set out in Section 2.5.</p> <p>2.3 The training requires:</p> <ul style="list-style-type: none"> (a) a training course of a minimum of 38 hours in duration which may be conducted as a single course or in modules over a period of up to 24 months; (b) a training team of at least two trainers in which the principal trainer has more than three years' experience both as a NMAS accredited mediator and as a trainer; 	<p>Division 4 - Initial accreditation: general provisions</p> <p>18 Outline of process</p> <ul style="list-style-type: none"> (a) In general terms, the process for initial accreditation as a Registered Practitioner involves the following steps: <ul style="list-style-type: none"> 1. The applicant enrolls in a course leading to a Certificate of Training. 2. Having completed that course, the applicant completes (within the next 6 months) a course leading to a Certificate of Assessment. 3. Having acquired a Certificate of Assessment, the applicant applies (within the next 6 months) for accreditation as a Registered Practitioner and listing on the National Register. 4. When applying for accreditation, the applicant must provide certain evidence of suitability (references, etc).

<ul style="list-style-type: none"> (c) sufficient coaches for each trainee to be observed performing the role of mediator by different coaches in two simulated mediations each of at least 1.5 hours in duration; (d) coaches who are accredited as mediators under the NMAS and have at least two years or 50 hours mediation experience and who provide written feedback to the trainees they have observed; (e) each trainee participating in at least nine simulated mediations, in at least three of which they perform the role of mediator; (f) content that includes the knowledge, skills and ethical principles articulated in the <i>Practice Standards</i>. 	<ul style="list-style-type: none"> (b) The AMDRAS Board can, in exceptional circumstances, waive compliance with any of steps 1–4. <p>19 Waiver of requirements in exceptional circumstances</p> <ul style="list-style-type: none"> (a) In exceptional circumstances, the Board may on application by a Recognised Provider, waive compliance with any one or more requirements for initial accreditation. (b) The waiver may be conditional or unconditional. <p>20 Role of Recognised Providers in training and accreditation</p> <ul style="list-style-type: none"> (a) Only Recognised Providers may offer training and accreditation under the TAF, unless the Board decides otherwise (either generally or in specific instances). (b) The Board may decline to recognise training and assessment that it has not authorised.
<p>2.4 assessment requires:</p> <ul style="list-style-type: none"> (a) an applicant, at a minimum, performing the role of a mediator in a simulated mediation of at least 1.5 hours; (b) an assessor observing a simulation (in real time or digitally or video recorded for later observation) without providing any coaching to the applicant during the simulated mediation; (c) an assessor who is a NMAS accredited mediator with at least 3 years mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team; 	<p>Division 6 - Certificate of Assessment</p> <p>26 Purpose The Certificate of Assessment certifies that the holder has passed the assessment required to apply for accreditation as a Registered Practitioner.</p> <p>27 Enrolment for Certificate of Assessment</p> <ul style="list-style-type: none"> (a) A person who has obtained a Certificate of Training (COT) may apply to enrol with a Recognised Provider (RP) for a Certificate of Assessment (COA). (b) The RP need not be the same RP as issued the COT. (c) The applicant must enrol within 6 months of completing the COT course. (d) An applicant who fails to complete the COA course within that 6 months must undertake any refresher training that the RP considers appropriate based on the time that has elapsed since the applicant completed the COT. <p>27.2 Nature of assessment</p> <ul style="list-style-type: none"> (a) Subject to any guidelines issued by the Board about the assessment required for the issue of a COA, the assessment must comprise:

<p>(d) assessment criteria reflecting the knowledge, skills and ethical principles articulated in the <i>Practice Standards</i>;</p> <p>(e) an applicant being found competent by an assessor using an assessment form documenting the extent to which the applicant has met or has not met the assessment requirements; providing written feedback on the applicant’s performance and indicating the assessment outcome;</p> <p>(f) in so far as circumstances allow, a copy of the assessment form being supplied to the applicant a reasonable time prior to the conduct of the assessment.</p>	<p>(i) a written assessment of 1200 words, designed to consolidate learning and promote reflective practice, in the form of a test, journal or assignment (or any combination of them); and</p> <p>(ii) a standardised simulated mediation.</p> <p>Note. The current guidelines about the assessment required for the issue of a COA are in Appendix 1.</p> <p>(b) The standardised simulated mediation must be:</p> <p>(i) of 2 to 2.5 hours’ duration.</p> <p>(ii) designed to demonstrate each stage of the mediation process.</p> <p>(iii) observed by an assessor (in real-time or by later video-viewing) who provides no feedback or coaching during the observation.</p> <p>(c) The assessor in paragraph 27.2(b)(iii) must:</p> <p>(i) not have any conflict of interest with the applicant.</p> <p>(ii) not have participated in the training team for the applicant’s Certificate of Training.</p> <p>28 Staff qualifications</p> <p>(a) Assessors for a COA must:</p> <p>(i) have at least 3 years’ experience as a Registered Practitioner; and</p> <p>(ii) have completed at least 100 hours of mediation practice as a Registered Practitioner.</p> <p>(b) The RP must certify to the AMDRAS Board the names, qualifications, and experience of the members of its assessment team.</p> <p>29 Issue of Certificate of Assessment</p> <p>(a) The Recognised Provider (RP) must issue a Certificate of Assessment (COA) to each of its applicants who pass the assessment.</p> <p>(b) The COA must include the date the assessment process was completed and approved by the RP.</p>
<p>2.5 An applicant may alternatively meet the requirements for training and assessment by providing evidence to an RMAB of:</p> <p>(a) Comparable training and assessment</p>	<p><i>Division 8 - Alternative pathways to Certificates</i></p> <p>34 Policy and guidelines</p> <p>(a) The AMDRAS recognises alternative pathways to the Certificate of Training, the Certificate of Assessment, and the Practicum</p>

<p>(i) having completed a mediator training course which is at least comparable to the training course described in Section 2.3; and</p> <p>(ii) having been found competent in the assessment as described in Section 2.4.</p> <p>OR</p> <p>(b) Experience, education and assessment</p> <p>(i) providing evidence to an RMAB of having conducted at least 100 hours of mediation, and otherwise met the continuing accreditation requirements described in Section 3 below within the two years prior to application; and</p> <p>(ii) providing two references attesting to the mediator's competence; and</p> <p>(iii) having completed mediator training, supervision or education to the satisfaction of the RMAB; and</p> <p>(iv) having been found competent in the assessment as described in Section 2. 4.</p> <p>OR</p> <p>(c) CALD knowledge, experience and assessment</p> <p>(i) providing evidence to an RMAB that the applicant possesses appropriate mediation experience and knowledge of the unique values and traditions within</p>	<p>Certificate, based on an applicant's prior learning and experience.</p> <p>(b) The Board may issue guidelines about appropriate alternative pathways.</p> <p>(c) Unless the guidelines state otherwise, they are binding and must be followed.</p> <p>(d) This power to issue guidelines does not derogate from the Board's general power to issue guidelines under clause 85.</p> <p>35 Application for alternative pathway</p> <p>(a) An applicant may request a Recognised Provider (RP) to certify that the applicant has satisfied the requirements for any one or more of the Certificate of Training, the Certificate of Assessment, and the Practicum Certificate, by an alternative pathway.</p> <p>(b) The RP may, before issuing a Certificate, assess the applicant in whatever way it considers necessary and having regard to the standard requirements for the Certificate.</p> <p>(c) If the RP considers that the applicant has satisfied the alternative-pathway requirement and has passed any further assessment under paragraph 35(b), it must issue the requested Certificate or Certificates.</p> <p>36 Examples of alternative pathways</p> <p>36.1 Overview</p> <p>Subject to any guidelines issued under clause 34, the following provisions of this clause</p> <p>give examples of three alternative pathways that a Recognised Provider may consider sufficient for an applicant who meets all of that pathway's requirements.</p> <p>36.2 Pathway 1: Comparable training and assessment</p> <p>The applicant has:</p> <p>(a) completed a comparable mediator course or NDR training course within the previous 3 years; and</p>
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<p>the culturally and linguistically diverse (CALD)</p> <ul style="list-style-type: none"> (ii) community with which the mediator identifies; and (iii) providing two references attesting to the mediator's competence; and (iv) having been found competent in the assessment as described in Section 2. 4 	<ul style="list-style-type: none"> (b) passed a comparable assessment, including an assessed simulation designed to demonstrate each stage of the mediation process. <p>36.3 Pathway 2: Experience, education and assessment</p> <ul style="list-style-type: none"> (a) The applicant has conducted at least 100 hours of NDR practice. (b) The applicant has completed a comparable mediator or NDR training course that is equivalent to the COT. (c) Two referees attest that the applicant possesses the Professional Attributes. (d) The Recognised Provider has assessed the applicant as being competent, including by an assessed simulation designed to demonstrate each stage of the mediation process. <p>36.4 Pathway 3: Experience, culturally and societally diverse knowledge, and assessment</p> <ul style="list-style-type: none"> (a) The applicant has: <ul style="list-style-type: none"> (i) extensive NDR experience. (ii) knowledge of the unique values and characteristics of the culturally diverse community with which the applicant identifies. (iii) competence in the Professional Attributes in the context of that culturally diverse community. (b) Two referees attest that the applicant possesses the Professional Attributes in the context of the culturally diverse community. (c) The Recognised Provider has assessed the applicant as competent by: <ul style="list-style-type: none"> (i) an assessed simulation, including an assessed simulation designed to demonstrate each stage of the mediation process; or (ii) an equivalent process that the Recognised Provider considers
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	appropriate and that the Board has approved.
<p>2.6 An applicant who meets the requirements of this Standard will be accredited for two years</p>	<p>Division 10 - Accreditation renewal 45 Renewal each 2 years (a) Registered Practitioners must renew their accreditation each 2 years. (b) If not renewed, their accreditation lapses.</p>
<p>3 Accreditation renewal requirements</p> <p>3.1 An accredited mediator (a mediator) seeking renewal of accreditation must satisfy the approval requirements set out in Section 2.1 (except for 2.1(a)) above, and provide evidence to the RMAB that within the two years preceding application for renewal they have been conducting mediations and have engaged in continuing professional development (CPD) as described below.</p> <p>3.2 A mediator must have conducted at least 25 hours of mediation, co-mediation or conciliation within the two-year cycle.</p> <p>3.3 A mediator who has not met the requirement in Section 3.2 due to lack of work opportunities, health or career circumstances or residence in non-urban or CALD communities, must have conducted at least 10 hours of mediation, co-mediation or conciliation and must attend such supplementary training, coaching and/or assessment as the RMAB considers necessary, in addition to the CPD required in Section 3.5 below, to address the shortfall.</p> <p>3.4 Renewal of accreditation in terms of Section 3.3 cannot be sought or granted for more than three consecutive renewals.</p>	<p>Division 10 - Accreditation renewal</p> <p>45 Renewal each 2 years</p> <p>(c) Registered Practitioners must renew their accreditation each 2 years. (d) If not renewed, their accreditation lapses.</p> <p>46 Accreditation at same or different level A Registered Practitioner may seek renewed accreditation for the same or a different level of accreditation.</p> <p>Example. An Advanced Mediator or Specialist Practitioner could seek accreditation as an Accredited Mediator, or (if appropriately qualified) as a Leading Mediator.</p> <p>47 Renewal requirements: general</p> <p>(a) To qualify for renewed accreditation, a Registered Practitioner must, within the 2-year period since their previous accreditation or renewal, have met:</p> <p>(i) the practice requirements in paragraph (c); and (ii) the continuing professional education (CPD) requirements in clause 48.</p> <p>(b) A Registered Practitioner must:</p> <p>(i) keep a record of their hours spent in practice and their hours spent in CPD; and (ii) if asked, provide the record to the accrediting RAP or to the Board.</p> <p>(c) The practice requirements (calculated over the 2-year renewal period) for renewal of accreditation are:</p>

<p>3.5 A mediator must undertake CPD of at least 25 hours that contributes to the knowledge, skills and ethical principles contained in the <i>Practice Standards</i>. This may be made up as follows:</p> <p>(a) Participating in Education (up to 20 hours) This means participating in formal structured activities such as training seminars and workshops (up to 20 hours) or attending conferences (up to 15 hours)</p> <p>(b) Reflecting on Practice (up to 15 hours) This means receiving professional supervision or coaching or participating in structured peer-based reflection on mediation cases</p> <p>(c) Providing Professional Development (up to 15 hours) This means delivering presentations on mediation or related topics, including two hours of preparation time for each hour delivered, or providing professional supervision, assessment, coaching or mentoring of mediator trainees and mediators</p> <p>(d) Credit for related professional CPD (up to 10 hours) This means hours of CPD completed to maintain professional licensing or accreditation related to their mediation practice, such as in law or in the behavioural or social sciences or in the professional field in which they mediate, such as building or engineering.</p> <p>(e) Learning from Practice (up to 8 hours) This means participating in up to four mediations as a client representative or in a formal learning capacity (up to 2 hours per mediation) or role-playing for</p>	<p>(i) Accredited Mediator: at least 20 hours of NDR-related practice (e.g., as a mediator, co-mediator, or third-party neutral). This may include up to 5 hours observing NDR-related practice by a more experienced Registered Practitioner.</p> <p>(ii) Advanced Mediator: at least 40 hours of mediation or co-mediation.</p> <p>(iii) Leading Mediator: the same requirements as Advanced Mediator.</p> <p>(iv) Specialist Practitioner: at least 40 hours of specialised practice within their area of specialty.</p> <p>48 Renewal: CPD requirements</p> <p>(a) The continuing professional development (CPD) requirement for all levels of Registered Practitioners is 25 hours, calculated over the 2-year renewal period.</p> <p>(b) To be allowable, the CPD must be directed at developing or maintaining the Professional Attributes.</p> <p>(c) CPD hours relied on for renewal of accreditation cannot be relied on for any later renewal of accreditation.</p> <p>49 Adjusted renewal requirements in certain circumstances</p> <p>(a) A Registered Practitioner who has failed to meet the practice requirements or CPD requirements may, in the circumstances set out in paragraph (b) of this clause, negotiate with a Recognised Accreditation Provider (RAP) for adjusted renewal requirements, matched to their level of accreditation and particular circumstances.</p> <p>(b) To be allowable, the circumstances:</p> <p>(i) must be contextual; and</p> <p>(ii) must include at least one of the following:</p> <p>(A) lack of work opportunities</p>
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<p>trainee mediators and candidates for mediator assessment (up to 2 hours per simulation).</p> <p>(f) Self-directed Learning (up to 5 hours) This means private study such as reading, listening to or viewing pre-recorded content such as podcasts, or writing articles or books relevant to mediation that are published in recognised journals or by recognised publishers.</p> <p>(g) Other (up to 5 hours) This means such other activities as may be approved by the MSB on application by an RMAB.</p> <p>3.6 A mediator who does not meet in full the requirements set out in Section 3.5 due to health or career circumstances or residence in non-urban or CALD communities, must undertake sufficient supplementary CPD to meet the requirements before renewal of accreditation can be granted.</p> <p>3.7 A mediator must pay to the relevant RMAB the MSB registration fee at the time of accreditation renewal (unless the RMAB pays that fee to the MSB on their behalf).</p> <p>3.8 A mediator must meet these requirements within two months of the due date for renewal of accreditation or their accreditation automatically lapses.</p> <p>3.9 CPD hours relied upon for any one renewal of accreditation must not be used for any subsequent renewal of accreditation.</p>	<ul style="list-style-type: none"> (B) health or career circumstances (C) residence in a non-urban area (D) other barriers to accessibility or inclusion (E) parental leave (F) leave due to family circumstances. <p>(c) If the negotiation is successful, the RAP may adjust the renewal requirements for the renewal period, subject to any conditions the RAP considers appropriate. Without limiting the RAP’s discretion, the conditions may include any one or more of the following:</p> <ul style="list-style-type: none"> (i) a reduction in the hours of required practice (but with a minimum of 10 hours of practice). (ii) a change to the required content or duration of the CPD. (iii) supplementary training, coaching, and assessment. <p>(d) The Registered Practitioner must comply with the conditions within 2 months of the date for re-accreditation, otherwise the accreditation lapses.</p> <p>(e) An RAP cannot grant adjusted renewals to the same Registered Practitioner for consecutive renewal periods.</p> <p>50 Adjusted renewal data Each RAP must provide the Board with ongoing data on adjusted renewals they have negotiated with Registered Practitioners.</p>
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<p>4 Leave of absence</p> <p>4.1 A mediator seeking leave of absence on the basis of health, career or other special circumstances must provide evidence to their accrediting RMAB of the circumstances upon which, and the period for which, leave is being sought. The RMAB may grant or refuse the request, or grant it subject to conditions, having regard to the circumstances.</p> <p>4.2 Where leave of absence is granted for a period of 12 months or less, the RMAB must remove the mediator’s name from the National Register for the period of leave and extend the due date for renewal of that mediator’s accreditation by an amount equivalent to the period of leave.</p> <p>4.3 Where leave of absence is granted for a period greater than 12 months, the RMAB must remove the mediator’s name from the National Register and that mediator must comply with the requirements of Section 6 below in order to have their accreditation re-instated.</p> <p>4.4 An RMAB must not grant a period of leave of absence that commences more than two months prior to the day upon which an application for leave of absence is made.</p>	<p><i>Division 12 - Absence, suspension, cancellation, imposition of conditions, reinstatement</i></p> <p>52 Leave of absence</p> <p>52.1 Applying for leave of absence</p> <ul style="list-style-type: none"> (a) A Registered Practitioner may apply to their Recognised Accreditation Provider (RAP) for leave of absence for health, career, or other reasons. (b) The Registered Practitioner must provide the RAP with evidence of the circumstances upon which, and the period for which, leave is sought. (c) The RAP may, having regard to the circumstances, grant or refuse the application, or grant it subject to conditions. (d) The RAP must not backdate leave of absence more than 2 months before the application was made. <p>53 Recording grant of leave on National Register</p> <ul style="list-style-type: none"> (a) Where a Recognised Accreditation Provider (RAP) grants leave of absence for 12 months or less, it must ask the Board to: <ul style="list-style-type: none"> (i) remove the Registered Practitioner’s listing from the National Register for the period of leave; and (ii) extend the due date for renewal of the Registered Practitioner’s accreditation for a period equivalent to the period of leave. (b) Where an RAP grant leave of absence for more than 12 months, it must ask the Board to remove the Registered Practitioner’s listing from the National Register. (c) A Registered Practitioner whose listing is removed from the National Register under paragraph (b) may later apply for re-instatement of accreditation through an RAP.
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	<p>54 Suspension, cancellation, and imposition of conditions</p> <p>(a) This clause applies where, in the opinion of a Recognised Accreditation Provider (RAP), a Registered Practitioner has breached their obligations under the AMDRAS.</p> <p>(b) The RAP may:</p> <ul style="list-style-type: none"> (i) suspend or cancel the Registered Practitioner’s accreditation; and (ii) specify any conditions that the Registered Practitioner must satisfy before seeking re-instatement of accreditation. <p>(c) Alternatively, without suspending or cancelling the accreditation, the RAP may impose conditions on the Registered Practitioner’s continued accreditation.</p> <p>(d) Where an RAP suspends, cancels, or places conditions upon a Registered Practitioner’s accreditation under this clause 54, the Registered Practitioner cannot seek accreditation through a different RAP without Board approval (in which case the Board may share information between the RAPs involved).</p> <p>55 Procedural fairness, policies, and procedures</p> <p>In deciding whether to act under clause 54, the RAP must:</p> <ul style="list-style-type: none"> (a) observe the requirements of procedural fairness (including providing the Registered Practitioner with the reasons for its decision); and (b) comply with any complaints procedures, and any other policies and procedures, it has in place to manage such matters. <p>56 RAP to inform Board of its decision</p> <p>(a) Where a Recognised Accreditation Provider (RAP) suspends or cancels a Registered Practitioner’s accreditation, it must as soon as possible:</p>
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	<ul style="list-style-type: none"> (i) notify the Board of the Registered Practitioner’s details, and the reasons for the RAP’s decision; and (ii) ask the Board to remove the Registered Practitioner’s listing from the National Register. <p>(b) Where, instead of cancelling or suspending a Registered Practitioner’s accreditation, an RAP imposes conditions on the Registered Practitioner’s continued accreditation, the RAP may (but is not obliged to) ask the Board to add a notation on the National Register that the Registered Practitioner’s accreditation is subject to conditions.</p> <p>(c) The Board may seek further information from the RAP.</p> <p>57 Application to have conditions removed</p> <ul style="list-style-type: none"> (a) This clause applies where, instead of suspending or cancelling accreditation, an RAP imposes conditions on the Registered Practitioner’s continued accreditation. (b) The Registered Practitioner may apply once in any 12-month period to have the conditions removed. (c) The RAP may remove any one or more of the conditions on terms the RAP considers appropriate. (d) If the RAP removes any one or more of the conditions, it must ask the Board to amend or delete any relevant notation the Board had made on the National Register under clause 56(b). <p>58 Re-instatement of accreditation</p> <p>58.1 Application</p> <p>This clause 58 applies where a person (‘the applicant’) seeks re-accreditation:</p> <ul style="list-style-type: none"> (a) after a period of leave of absence; or (b) after their registration has been suspended or cancelled, or has otherwise lapsed (for example, for non-fulfilment of renewal requirements).
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	<p>58.2 Evidence to be provided</p> <p>The applicant must provide the relevant RAP with the following information:</p> <ul style="list-style-type: none"> (a) evidence that, as at the time of the application, the applicant satisfies: <ul style="list-style-type: none"> (i) the requirements for re-accreditation; and (ii) any conditions imposed on their leave of absence, suspension, or cancellation. (b) the date from which they were first granted accreditation under AMDRAS or its predecessor (the National Mediator Accreditation System); (c) the period of leave of absence, or the date on which their accreditation was suspended or cancelled, or the date on which it lapsed; and (d) a statement from the relevant RAP of the reasons for the suspension or cancellation. <p>58.3 Additional evidence of CPD compliance</p> <p>In addition to the evidence required under clause 58.2, an applicant who has not met the relevant CPD renewal requirements in the previous 2-year period, must undertake any supplementary practical training, coaching and assessment required by the RAP to address the shortfall.</p> <p>58.4 Effective date of re-instatement</p> <p>Re-instatement of accreditation takes effect from (and including) the date on which the RAP notifies the applicant that the applicant has satisfied the RAP's requirements.</p> <p>58.5 Limit on power to re-instate</p> <p>An applicant cannot be granted re-instatement more than once in every 4-year period.</p>
<p>5 Suspension</p> <p>5.1 Where a mediator is significantly non-compliant with the <i>Approval and Practice Standards</i> an RMAB may, subject to the requirements of procedural fairness, suspend the</p>	<p>See Division 12 above</p>

<p>mediator’s accreditation and, having regard to the circumstances, specify any conditions that must be met by that mediator prior to seeking re- instatement of accreditation.</p> <p>5.2 An RMAB must, without delay, notify the MSB of the details of a mediator whose accreditation it has suspended and remove that mediator’s name from the National Register.</p> <p>5.3 The MSB may on request disclose information received under Section 5.2 to another RMAB</p>	
<p>6 Re-instatement of accreditation</p> <p>6.1 An applicant seeking re-instatement after a period of leave of absence or lapsed or suspended accreditation, must:</p> <ul style="list-style-type: none"> (a) disclose the date from which they were first granted accreditation under the NMAS and specify the period of leave of absence or the date upon which their accreditation lapsed or was suspended; (b) meet the approval requirements set out in Sections 2.1 above; (c) provide evidence to an RMAB that they have met the accreditation renewal requirements described in Section 3 above in the two years immediately prior to seeking re-instatement; (d) where the practice requirement in Section 3.2 or Section 3.3 has not been met, undertake supplementary practical training, coaching and/or assessment, as approved by the RMAB, to address the 	<p>See Division 12 above</p>

<p>shortfall;</p> <p>(e) provide evidence to the RMAB that any conditions imposed at the time of suspension or grant of a period of leave of absence have been met prior to seeking re-instatement.</p> <p>6.2 Accreditation will be re-instated from the date upon which the relevant RMAB assesses the applicant as having satisfied the requirements of Section 6.1.</p> <p>6.3 Re-instatement of accreditation in terms of Section 6.2 cannot be granted more than once in every four years.</p>	
<p>7 Waiver by MSB</p> <p>In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the <i>Approval Standards</i> on application by an RMAB</p>	<p><i>Division 13 - Waiver of re-accreditation requirements</i></p> <p>59 Waiver by Board in exceptional circumstances</p> <p>(a) The Board may, on application by a Recognised Accreditation Provider waive compliance with any one or more requirements for re-accreditation where the Board considers that exceptional circumstances justify it in doing so.</p> <p>(b) The waiver may be conditional or unconditional.</p>

Part III – Practice Standards	PART 5 - PRACTICE STANDARDS AND THE PROFESSIONAL DOMAINS
<p>1 Application</p> <p>1.1 The <i>Practice Standards</i> apply to NMAS accredited mediators.</p> <p>1.2 The <i>Practice Standards</i>:</p> <p>(a) specify the minimum practice and competency requirements of a NMAS accredited mediator;</p> <p>(b) inform participants and others about what they can expect of the mediation process and of a NMAS accredited mediator; and</p> <p>(c) should be read in conjunction with the <i>Approval Standards</i> (Part II of the NMAS), with which a NMAS accredited mediator must also comply.</p> <p>1.3 Where a mediator practises under a legislative framework and there is a conflict between a provision of the Practice Standards and a provision of that framework, the legislative framework will override the Practice Standards to the extent of any inconsistency.</p>	<p>60 Application</p> <p>(a) This Part describes the 4 Professional Domains across which Registered Practitioners practice. Each Professional Domain consists of various associated Professional Attributes as outlined in clauses 61 and 62.</p> <p>(b) The four Professional Practice Domains are:</p> <ul style="list-style-type: none"> • Professional Knowledge • Professional Skills • Professional Ethics and Responsibilities • Professional Development. <p>(c) The Professional Attributes:</p> <p>(i) may vary with a particular Registered Practitioner’s level of experience, area of specialisation, and practice context.</p> <p>(ii) may evolve over time and in response to practice environments.</p> <p>(d) Recognised Providers must consider and include the Professional Attributes when providing training and assessment under the Training and Accreditation Framework (TAF).</p> <p>61 Professional Attributes—overview</p> <p>The Professional Attributes are:</p> <p>(a) designed to ensure that the public can have confidence in the knowledge, skills, ethical standards, and up-to-date expertise of Registered Practitioners.</p>

(b) are not necessarily confined to any one Professional Practice Domain.

(c) specify the minimum Professional Attributes required of a Registered Practitioner.

62 Professional Attributes—specifics

62.1 Domain 1 - Professional Knowledge

The Professional Knowledge domain includes the following Professional Attributes:

1. Understanding conflict and the way people behave when they are in conflict.
2. Understanding the factors that play a role in conflict and dispute resolution.
3. Knowing the principles and models for non-determinative resolution, and the roles or functions of the people involved.
4. Knowing a range of strategies for resolving conflict and when to use them.
5. Understanding the need for fairness, safety, and protection against misuse of the dispute resolution process.
6. Understanding their ethical, professional, and legal obligations.
7. Understanding the scope and types of guidance or advice offered by Registered Practitioners.

62.2 Domain 2 - Professional Skills

The Professional Skills domain includes the following Professional Attributes:

8. The need to conduct an initial assessment or triage including to determine if the matter is appropriate for an NDR process.
9. Support for self-determination and informed decision-making.
10. Managing the NDR process.

	<p>11. Supporting parties to participate in the NDR process.</p> <p>12. Managing risks to fairness, safety, and abuse of process.</p> <p>13. Meeting their ethical, professional, and legal obligations.</p> <p>14. Providing information, guidance, and advice as appropriate.</p> <p>Note: Appendix 4 contains guidelines on how the Professional Attributes relate to Professional Skills (and to Professional Ethics and Responsibilities).</p> <p>62.3 Domain 3 - Professional Ethics and Responsibilities</p> <p>The Professional Ethics and Responsibilities domain includes the following Professional Attributes:</p> <p>15. Providing accessible and inclusive services.</p> <p>16. Supporting self-determination and informed decision-making.</p> <p>17. Providing information to the participants about the confidentiality of the process and any obligations to release confidential information.</p> <p>18. Facilitating an even-handed, safe, and ethical process.</p> <p>19. Representing their services and competence honestly and transparently.</p> <p>20. Meeting their legal, regulatory, and professional obligations.</p> <p>21. Providing guidance and advice only when competent and authorised to do so.</p> <p>22. Providing a feedback and complaints mechanism.</p> <p>Note: Appendix 4 contains guidelines on how the Professional Attributes relate to</p>
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	<p>Professional Ethics and Responsibilities (and to Professional Skills).</p> <p>62.4 Domain 4 - Professional Development The Professional Development domain includes the following Professional Attributes:</p> <ul style="list-style-type: none"> 23. Engaging in reflective practice. 24. Engaging in continuing professional learning. 25. Contributing to the field, including through mentoring and supervision of less experienced practitioners. <p>63 Professional Attributes to be included in training and assessment Recognised Providers must include the Professional Attributes in the training and assessment they provide under the Training and Accreditation Framework.</p> <p>64 Compliance with regulatory obligations</p> <ul style="list-style-type: none"> (a) Registered Practitioners must comply with all relevant legal and regulatory rules and obligations. (b) Where a Registered Practitioner’s obligation under paragraph (a) conflicts with one or more of the Professional Attributes, the legislative or regulatory obligation prevails to the extent of any inconsistency. <p>65 Code of Ethics</p> <ul style="list-style-type: none"> (a) Registered Practitioners must comply with the Code of Ethics, currently contained in Appendix 3. (b) The Board may amend the Code of Ethics from time to time.
<p>2 The mediation process</p> <p>2.1 A mediator uses the knowledge, skills and ethical principles referred to in Part III Section 10.1 of the NMAS to assist participants to make</p>	<p>See Glossary See Appendix 4</p>

<p>their own decisions in relation to disputes, conflicts or differences among them.</p> <p>2.2 Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:</p> <ul style="list-style-type: none"> (a) communicate with each other, exchange information and seek understanding (b) identify, clarify and explore interests, issues and underlying needs (c) consider their alternatives (d) generate and evaluate options (e) negotiate with each other; and (f) reach and make their own decisions. <p>A mediator does not evaluate or advise on the merits of, or determine the outcome of, disputes.²</p> <p>Footnote</p> <p>² For a mediator using a blended process, which may involve the provision of advice see Section 10.2 of the Practice Standards.</p>	
<p>3. Conducting mediation: Preliminary conference or intake</p> <p>3.1 In the preliminary conference or intake the mediator must ensure that participants are provided with the following:</p> <ul style="list-style-type: none"> (a) a description of mediation and the steps involved including the use of joint sessions, separate sessions and shuttle negotiations; (b) information on how to provide feedback or lodge a formal complaint in relation to the mediator. 	<p>See Appendix 4</p>

The preliminary conference or intake may be conducted by a person other than the mediator.

3.2 The preliminary conference or intake includes:

- (a) assessing whether mediation is suitable and whether variations are required (for example, using an interpreter or a co-mediation model in culturally and linguistically diverse communities or introducing safeguards where violence is an issue).
- (b) explaining to participants the nature and content of any agreement or requirement to enter into mediation including confidentiality, costs and how they are to be paid.
- (c) identifying who is participating in the mediation and to what extent participants have authority to make decisions.
- (d) advising participants about the NMAS and how it can be accessed.
- (e) assisting participants to prepare for the mediation meeting including consideration of any advice or information that may need to be sought and/or exchanged.
- (f) referring participants, where appropriate, to other sources of information, advice or support that may assist them.
- (g) informing participants about their roles and those of advisors, support persons, interpreters and any other

<p>attendees.</p> <ul style="list-style-type: none"> (h) advising participants about how they or the mediator can suspend or terminate the mediation. (i) confirming each participant’s agreement to continue in the mediation. (j) deciding venue, timing and other practical issues. 	
<p>4. Conducting mediation: The mediation meeting</p> <p>4.1 The mediation meeting will ordinarily include a joint session of the participants in which the participants communicate directly with each other to identify, clarify and explore interests, issues and underlying needs. The mediation meeting may also include separate sessions and shuttle negotiations.</p> <p>4.2 A mediator may adjourn the mediation meeting and conduct the mediation over multiple meetings and in different locations.</p> <p>4.3 The mediation meeting may conclude whether or not the participants have reached an agreement.</p>	<p>See Appendix 4</p>
<p>5. Conducting mediation: Suspending or terminating</p> <p>5.1 A mediator may suspend or terminate the mediation if they form the view that mediation is no longer suitable or productive, for example where:</p> <ul style="list-style-type: none"> (a) a participant is unable or unwilling to participate or continue in the mediation 	<p>See Appendix 4</p>

<ul style="list-style-type: none"> (b) a participant is misusing the mediation (c) a participant is not engaging in the mediation in good faith (d) the safety of one or more participants may be at risk <p>5.2 A mediator should, where possible, advise of their intention to suspend or terminate the mediation</p> <p>5.3 If terminating the mediation, the mediator where appropriate, should encourage the participants to consider alternative procedures for achieving resolution.</p>	
<p>6. Power and safety</p> <p>6.1 A mediator must be alert to changing balances of power in mediation and manage the mediation accordingly.</p> <p>6.2 A mediator must consider the safety and comfort of participants and where necessary take steps, which may include:</p> <ul style="list-style-type: none"> (a) agreeing guidelines to encourage appropriate conduct; (b) activating appropriate security protocols; (c) using separate sessions, communication technology or other protective arrangements; (d) having a participant’s friend, representative or professional advisor attend mediation meetings; (e) providing participants with information about other 	<p>See Appendix 4</p>

<p>services or resources; and</p> <p>(f) suspending or terminating the mediation with appropriate steps to protect the safety of participants.</p>	
<p>7 Procedural fairness and impartiality</p> <p>7.1 A mediator must conduct the mediation in a fair, equitable and impartial way, without favouritism or bias in act or omission.</p> <p>7.2 A mediator must identify and disclose any potential grounds of bias or conflict of interest before the mediation, or that emerge at any time during the process.</p> <p>7.3 A mediator must not mediate in cases involving a conflict of interest without the informed consent of the participants, and then only if, in the mediator’s view, the conflict would not impair his or her impartial conduct of the process.</p> <p>7.4 A mediator must support participants to reach agreements freely, voluntarily, without undue influence and on the basis of informed consent.</p> <p>7.5 A mediator must provide participants appropriate opportunities to speak to and be heard by one another in the mediation, and to articulate their respective interests, issues and underlying needs.</p> <p>7.6 A mediator must ensure, so far as practicable, that participants have had sufficient time and opportunity to access sources of advice or information necessary for their decision-making.</p>	

<p>7.7 A mediator must encourage and support negotiations that focus on the participants’ respective interests, issues and underlying needs and must encourage participants to assess any proposed agreements accordingly and with reference to their long-term viability.</p>	
<p>8. Ethical conduct and professional relations</p> <p>8.1 A mediator must mediate only where they have the competence to do so.</p> <p>8.2 A mediator must not use information obtained in mediation for personal gain or advantage.</p> <p>8.3 A mediator must adhere to the ethical code or standards prescribed by the professional organisation or association of which they are a member or by whom they are employed.</p> <p>8.4 A mediator should encourage participants to consider the interests of any vulnerable stakeholders.</p> <p>8.5 A mediator should encourage participants to obtain other professional support when appropriate but should refrain from recommending the services of particular individuals or firms.</p> <p>8.6. A mediator may liaise with other relevant professionals with permission from the relevant participant.</p> <p>8.7 A mediator should extend professional courtesy to other professionals engaged by the participants.</p> <p>8.8 A mediator should, where possible, engage</p>	<p>See Appendix 2: Code of Conduct See Appendix 4</p>

<p>in professional debriefing, peer consultation and mentoring of less experienced mediators.</p>	
<p>9 Confidentiality</p> <p>9.1 A mediator must respect the agreed confidentiality arrangements relating to participants and to information provided during the mediation, except:</p> <ul style="list-style-type: none"> (a) with the consent of the participant to whom the confidentiality is owed; or (b) where non-identifying information is required for legitimate research, supervisory or educational purposes; or (c) when required to do otherwise by law; (d) where permitted to do otherwise by ethical guidelines or obligations; (e) where reasonably considered necessary to do otherwise to prevent an actual or potential threat to human life or safety. <p>9.2 Before holding separate sessions with different participants, a mediator must inform participants of the confidentiality which applies to these sessions.</p> <p>9.3 With a participant’s consent, a mediator may discuss the mediation, or any proposed agreement, with that participant’s advisors or with third parties.</p> <p>9.4 A mediator is not required to retain documents relating to a</p>	<p>See Appendix 2: Code of Conduct</p> <p>See Appendix 4</p>

<p>mediation, although they may do so should they wish, particularly where duty-of-care or duty-to-warn issues are identified.</p>	
<p>10 A mediator must take care to preserve confidentiality in the storage and disposal of written and electronic notes and records of the mediation and must take reasonable steps to ensure that administrative staff preserve such confidentiality.</p> <p>11 Knowledge, skills and ethical principles</p> <p>11.1 A mediator, consistent with the <i>Approval Standards</i>, must have the knowledge and skills, and an understanding of the ethical principles, outlined below:</p> <p>(a) Knowledge</p> <ul style="list-style-type: none"> (i) the nature of conflict, including the dynamics of power and violence. (ii) the circumstances in which mediation may or may not be appropriate. (iii) preparing for mediation; assessing suitability; preliminary conferencing or intake. (iv) communication patterns in conflict and negotiation. (v) negotiation dynamics in mediation, including manipulative and intimidating tactics. (vi) cross-cultural issues. (vii) the principles, stages and functions of the mediation process. (viii) the roles and functions of mediators. 	<p>See Appendix 2: Code of Conduct See Appendix 4</p> <p>See Appendix 1</p>

(ix) the roles and functions of support persons, lawyers and other professionals in mediation.

(x) the law relevant to mediators and to the mediation process.

(b) Skills

(i) preparation for and dispute diagnosis in mediation.

(ii) intake and screening of participants and disputes to assess mediation suitability.

(iii) the conduct and management of the mediation process.

(iv) communication skills, including listening, questioning, reflecting, reframing and summarising, as required for the conduct of mediation.

(v) negotiation techniques and the mediator's role in facilitating negotiation and problem-solving.

(vi) ability to manage high emotion, power imbalances, impasses and violence.

(vii) use of separate meetings.

(viii) reality-testing proposed outcomes in light of participants' interests, issues, underlying needs and long-term viability.

(ix) facilitating the recording of the outcome of the

<p>mediation.</p> <p>(c) Ethical Principles</p> <ul style="list-style-type: none"> (i) competence, integrity and accountability (ii) professional conduct (iii) self-determination (iv) informed consent (v) safety, procedural fairness and equity in mediation including withdrawing from or terminating the mediation process (vi) impartiality including the avoidance of conflicts of interest (vii) confidentiality privacy and reporting obligations (viii) honesty in the marketing and advertising of mediation and promotion of the mediator’s practice <p>11.2 Where a mediator uses a blended process such as advisory or evaluative mediation or conciliation, which involves the provision of advice, the mediator must:</p> <ul style="list-style-type: none"> (a) obtain consent from participants to use the blended process; (b) ensure that within the professional area in which advice is to be given, they <ul style="list-style-type: none"> (i) have current knowledge and experience; (ii) hold professional registration, membership, statutory employment or their equivalent, and (iii) are covered by current 	
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<p>professional indemnity insurance or have statutory immunity and</p> <p>(c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination.</p>	
<p>12 Charging for services</p> <p>12.1 A mediator must obtain agreement from participants about the fees and charges payable for the mediation and about how those fees and charges are to be apportioned between them.</p> <p>12.2 A mediator must not charge fees based on the outcome of a mediation or calculated in a way that could influence the manner in which the mediator conducts the mediation.</p> <p>12.3 If any fees or charges paid in advance exceed fees or charges payable for the mediation, the excess must be returned promptly upon conclusion or termination of the mediation.</p>	<p>See Appendix 2: Code of Conduct See Appendix 4</p>
<p>13 Provision of information and promotion of services</p> <p>13.1 A mediator must accurately represent their qualifications and experience and how they conduct their mediations.</p> <p>13.2 A mediator must not guarantee results or outcomes from the mediation process or make statements likely to create false expectations about favourable results.</p>	<p>See Appendix 2: Code of Conduct See Appendix 4</p>

<p>13.3 A mediator may use de-identified information about any evaluation of their mediation practice that could assist participants to better understand the mediation services they offer.</p> <p>13.4 A mediator accredited under the National Mediator Accreditation System is entitled to use the following descriptor and post-nominal: Accredited Mediator NMAS.</p>	
<p>14 Waiver by MSB</p> <p>In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the <i>Practice Standards</i> on application by an RMAB.</p>	<p>See Part 4: Division 13</p>

<p>Part IV: Recognised Mediator Accreditation Bodies</p>	<p>PART 6 - RECOGNISED PROVIDERS</p>
<p>1 RMAB Qualifications</p> <p>In order to accredit a mediator in accordance with the NMAS, RMABs must have:</p> <ul style="list-style-type: none"> 1.1 financial membership of the MSB; 1.2 the capacity and expertise to assess whether training, education, assessment and CPD undertaken by applicants for accreditation or renewal of accreditation meet the respective requirements specified in the <i>Approval Standards</i>; 1.3 the ability to provide or refer members to CPD activities as outlined in Section 3.5 of the <i>Approval Standards</i>; 1.4 a complaints system that meets the <i>Benchmarks for Industry-based Customer Dispute Resolution Schemes</i>, or the ability to refer a complaint to a scheme that has been established by statute; 1.5 sound governance structures, financial viability and appropriate administrative resources; 1.6 sound record-keeping in respect of mediators accredited under the NMAS; and 1.7 at least 10 mediators accredited under the NMAS who 	<p>66 Powers of Board to authorise Recognised Providers</p> <ul style="list-style-type: none"> (a) The Board may authorise a person or entity to be a Recognised Provider. (b) The Board may designate a Recognised Provider as a Recognised Training Provider or as a Recognised Accreditation Provider, or as both. <p>67 Role of Recognised Providers</p> <ul style="list-style-type: none"> (a) A Recognised Training Provider is authorised to provide training under the provisions of the Training and Accreditation Framework (TAF). (b) A Recognised Accreditation Provider is authorised to accredit Registered Practitioners under the TAF.

<p>bona fide members, panellists or employees are</p>	<p>68 Requirements for authorisation as Recognised Providers</p> <p>68.1 General requirements</p> <p>To qualify for authorisation as a Recognised Provider (whether as a Recognised Training Provider or a Recognised Accreditation Provider), a person or entity must have and maintain all of the following:</p> <ul style="list-style-type: none"> (a) financial membership of AMDRAS; (b) sound governance structures, financial viability, and appropriate administrative resources (including those required for data-collection and retention); (c) systems or mechanisms for meeting their obligations under the TAF; (d) an approved complaints-handling policy". <p>68.2 Complaints-handling</p> <ul style="list-style-type: none"> (a) Appendix 5 provides a template of a complaints-handling policy, setting out the minimum requirements expected, for adoption by Recognised Providers. (b) Recognised Providers may seek the approval of the Board of a different complaints-handling policy that meets the minimum requirements. (c) To obtain and retain authorisation, Recognised Providers must provide evidence that they have adopted Appendix 5 or a different complaints-handling policy approved by the Board, and of their ongoing compliance with that policy. <p>69 Additional requirements for authorisation as RTP</p> <p>In addition to the requirements for authorisation under clause 68, to qualify for authorisation as a Recognised Training Provider, a person or entity must have and maintain the capacity and expertise to provide training (including assessment of training) services under the Training and Accreditation Framework.</p> <p>70 Additional requirements for authorisation as RAP</p> <p>In addition to the requirements for authorisation under clause 68, to qualify for authorisation as a Recognised Accreditation Provider, a person or entity must have and maintain all of the following:</p>
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	<ul style="list-style-type: none"> (a) the capacity and expertise to assess whether applicants meet the requirements under the Training and Accreditation Framework for: <ul style="list-style-type: none"> (i) movement between levels of accreditation, and (ii) renewal of accreditation. (b) the ability to provide, or refer Registered Practitioners to, CPD activities. (c) systems or mechanisms to meet their AMDRAS obligations. (d) at least 10 Registered Practitioners accredited under the TAF, who are bona fide members of the Recognised Provider, or panellists or employees of the Recognised Provider. <p>71 Additional responsibilities of RAPs</p> <p>In addition to its obligations under other provisions of this document, a Recognised Accreditation Provider (RAP) must:</p> <ul style="list-style-type: none"> (a) remind Registered Practitioners for whom they are responsible of the date on which their accreditation is due for renewal. (b) help the AMDRAS Board to update and maintain the National Register, including by uploading to the National Register, in the manner required by the Board, the particulars of Registered Practitioners the RAP has accredited. (c) notify the Board of the names of: <ul style="list-style-type: none"> (i) Registered Practitioners who have not had their accreditation renewed (and the RAP must do this within two months of the accreditation expiry). (ii) Registered Practitioners who have been granted leave of absence.
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	<ul style="list-style-type: none"> (iii) Registered Practitioners whose accreditation has been suspended or cancelled or has otherwise lapsed. (d) pay to the Board the National Register registration fee it collects from Registered Practitioners it accredits. (e) keep confidential the National Register login identity, password, and other related information issued by the Board. (f) subject to a National Register check, recognise accreditations of Registered Practitioners granted by another RAP. <p>72 No doubling-up of accreditation</p> <ul style="list-style-type: none"> (a) This clause applies to a Recognised Accreditation Provider (RAP) where a Registered Practitioner has already been accredited under AMDRAS by another RAP. (b) The RAP must not: <ul style="list-style-type: none"> (i) accredit that Registered Practitioner (including during a period of leave of absence). (ii) upload details of that Registered Practitioner to the National Register. (iii) collect the National Register registration fee from that Registered Practitioner. (c) However, nothing in this clause prevents an RAP from including, on its internal list or panel of Registered Practitioners, a Registered Practitioner accredited by another RAP. <p>73 Recognition of accreditation by another RAP</p> <ul style="list-style-type: none"> (a) This clause applies where a Recognised Accreditation Provider (RAP) is required to recognise the accreditation of a Registered Practitioner who is currently
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	<p>accredited under the AMDRAS by another RAP.</p> <p>Note: for this requirement, see clause 71(f).</p> <p>(b) The RAP:</p> <ul style="list-style-type: none"> (i) must search the National Register to confirm the Registered Practitioner’s most recent RAP and the Registered Practitioner’s current accreditation status; and (ii) may require the Registered Practitioner to: <ul style="list-style-type: none"> (A) provide evidence of accreditation by the other RAP, including by supplying a copy of their application to that other RAP; and (B) give permission to the other RAP (and its delegate, if relevant) to disclose AMDRAS-related information; and (C) disclose any complaints made to the Board or a RAP about their practice.
<p>2 RMAB responsibilities</p> <p>RMABs must:</p> <ul style="list-style-type: none"> 2.1 recognise the NMAS accreditation of a mediator currently accredited under the NMAS by another RMAB; 2.2 upload to the National Register a list of mediators accredited by them under the NMAS and maintain the currency of that list; 2.3 pay to the MSB the registration fee as specified 	<p>See Part 6 above</p>

<p>by the MSB in relation to each mediator accredited by the RMAB;</p> <p>2.4 notify the MSB without delay of the details of each mediator who has been granted leave of absence or whose accreditation has been suspended by the RMAB; and</p> <p>2.5 keep confidential the login identity and password issued by the MSB to their authorised representatives to enable the names of mediators accredited by them under the NMAS to be uploaded to the National Register.</p> <p>RMABs must not:</p> <p>2.6 accredit a mediator under the NMAS who is already accredited under the NMAS by another RMAB.</p> <p>2.7 upload to the National Register the names of mediators accredited under the NMAS by another RMAB.</p> <p>2.8 collect the MSB registration fee from a mediator who has been accredited under the NMAS by another RMAB.</p> <p>2.9 nothing in this clause prevents an RMAB from including a mediator accredited by another RMAB on their internal list or panel of nationally accredited mediators.</p>	
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<p>3 Mutual recognition</p> <p>Where an RMAB is required to recognise the national accreditation of a mediator accredited by another RMAB it may require that mediator to provide evidence of accreditation by the other RMAB together with a copy of their application materials to that other RMAB and to give permission for that other RMAB and the MSB to disclose information.</p>	<p>See Part 6 above</p>
<p>Part V: Register of Nationally Accredited Mediators</p>	<p>PART 7 - THE NATIONAL REGISTER</p>
<p>1 The National Register</p> <p>The National Register is the authoritative list of all mediators accredited under the NMAS. It enables consumers, advisers and referring agents to:</p> <p>1.1 check whether mediators are nationally accredited, and</p> <p>1.2 obtain details of the RMAB that has accredited them.</p>	<p>74 Background: role of National Register</p> <p>The AMDRAS Board is responsible for, and administers, the National Register.</p> <p>Note. The Register enables consumers, advisers, and others to confirm whether Registered Practitioners are accredited and obtain details of their accrediting Recognised Accreditation Provider.</p> <p>75 AMDRAS Board’s powers and duties</p> <p>(a) In exercise of its responsibility for the National Register (the ‘Register’), the Board must:</p> <p>(i) maintain the Register.</p> <p>(ii) respond in a timely manner to complaints about the Register.</p> <p>(iii) provide RAPs with login identification, passwords, and other information they need to upload particulars of Registered Practitioners onto the Register.</p> <p>(b) The Board has power to carry out all functions and activities that are necessary or incidental to exercising its powers and duties under this clause 75.</p>
<p>2 Reminders from the National Register</p> <p>Accredited mediators will receive automated reminders from the National Register when their accreditation is due for renewal.</p>	
<p>3 Inclusion on the National Register</p> <p>3.1 RMABs are responsible for uploading to the National Register, the particulars of all mediators accredited by them and maintaining the currency of that list.</p> <p>3.2 The particulars must comply with the specifications issued from time to time by the MSB.</p> <p>3.3 The names of mediators</p>	

<p>who have not had their accreditation renewed within two months of their accreditation expiry date will no longer be included on the National Register.</p>	
<p>Part VI: Mediator Standards Board</p>	<p>PART 8 - THE AMDRAS BOARD</p>
<p>1 The Mediator Standards Board</p> <p>The MSB is responsible for the ongoing development, maintenance and review of the NMAS and the National Register. The MSB:</p> <ul style="list-style-type: none"> 1.1 amends the NMAS as required; 1.2 oversees the application of the <i>Approval and Practice Standards</i> with a view to achieving consistency, quality and public protection regarding mediation services and mediation accreditation; 1.3 supports, complements and encourages MSB members in their efforts to meet their responsibilities in relation to the Standards; 1.4 promotes progressive development in the training and accreditation of mediators and the quality of mediation services; 1.5 requires records to be maintained of mediators who are accredited under the Standards; 1.6 provides login identification and 	<p>76 Overview</p> <p>This Part sets out how the Board exercises some of its powers and responsibilities in furthering the objects in clause 3 of the Constitution.</p> <p>Note. See also Part 3 of this document.</p> <p>77 Board administers AMDRAS</p> <p>The Board administers the Training and Accreditation Framework (TAF) with a view to achieving consistency, quality, and public protection in:</p> <ul style="list-style-type: none"> (a) training Registered Practitioners, and (b) accrediting Registered Practitioners and AMDRAS Members and related bodies. <p>78 Board provides support and encouragement</p> <ul style="list-style-type: none"> (a) The Board provides support and encouragement to AMDRAS Members in their efforts to meet their responsibilities under the AMDRAS. (b) This includes supporting AMDRAS Members in ensuring relevant, workable, and up-to-date processes for complaints-management, accreditation, and reaccreditation. <p>79 Board can amend AMDRAS</p> <p>The Board can amend all or any aspects of the AMDRAS, including this document.</p>

<p>passwords to RMABs and specifications regarding the uploading of particulars of accredited mediators to the National Register;</p> <p>1.7 carries out other functions and activities that are necessary or incidental to the above.</p>	<p>80 Board’s power to suspend, etc.</p> <p>80.1 Suspending, etc, Registered Practitioners The Board can suspend, remove, and de-register a Registered Practitioner, either at its own volition or upon request from a Recognised Provider, where the Board considers (after making reasonable enquiries) that the Registered Practitioner has breached, or has failed to meet the requirements of, the AMDRAS.</p> <p>80.2 De-recognising AMDRAS Members The Board can withdraw the recognition of an AMDRAS Member and/or annul its membership, where the Board considers (after making reasonable enquiries) that the Member has breached, or has failed to meet the requirements of, the AMDRAS Standards.</p> <p>81 Board keeps register of trainers, assessors, etc. The Board must keep and maintain a register of:</p> <ul style="list-style-type: none"> (a) each Recognised Training Provider’s (RTP’s) COT training team, containing the information certified by the RTP under clause 24(g); and (b) each Recognised Provider’s (RP’s) COA’s assessment team, containing the information certified by the RP under clause 28. <p>Note. The register under this provision is different from the National Register.</p> <p>82 Board can audit Recognised Providers The Board:</p> <ul style="list-style-type: none"> (a) can audit Recognised Providers for the adequacy of their complaints management, accreditation, re-accreditation, training, and related procedures; and (b) may provide advice about matters in paragraph (a) as it considers appropriate.
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83 Board can hear complaints

- (a) The Board can hear complaints referred to it about the adequacy of processes, including complaints-management, accreditation, re-accreditation, training, assessment, and related processes employed by Recognised Providers in relation to their functions under AMDRAS.
- (b) The Board can uphold, set aside, or vary any decision made by Recognised Providers in relation to a complaint, made under paragraph (a), where the Board considers it appropriate and reasonable in the circumstances to do so.

84 Board's power to delegate

The Board can delegate to a person or another body the powers and responsibilities contained in these Standards.

85 Board's power to issue guidelines

- (a) The Board may issue guidelines in relation to the exercise of any of its powers, functions, responsibilities, or privileges under the AMDRAS or this document.
- (b) The power to issue guidelines under this clause is in addition to any guidelines the Board may issue under specific provisions of this document.
- (c) Unless guidelines state otherwise, they are binding and must be followed.
- (d) Guidelines are to be interpreted so far as possible as being consistent with Parts 1–8 of this document. If there is an inconsistency between a guideline and a provision of Parts 1–8, then the provision of those Parts prevails. However, there is no inconsistency merely because a provision in the guidelines is more detailed than the relevant provision in those Parts.

	<p>86 Board’s incidental powers and functions</p> <p>The Board has the power to carry out functions and activities that are necessary or incidental to the powers and responsibilities in this document, in accordance with its powers and responsibilities under the Constitution.</p>
<p>2 Members of the MSB</p> <p>Members comprise organisations from the following classes whose membership has been approved by the MSB in accordance with its Constitution:</p> <p>2.1 RMABs;</p> <p>2.2 professional organisations that are not RMABs and have at least 30 mediator members accredited under the NMAS;</p> <p>2.3 national or state representative organisations that have three or more RMAB members;</p> <p>2.4 organisations that provide training that meets the training requirement contained in Section 2.4 of the <i>Approval Standards</i> to at least 25 participants per year;</p> <p>2.5 Commonwealth, State or Territory government agencies with ADR expertise nominated by the relevant Commonwealth or State Attorney-General’s Department, or equivalent, that are not otherwise RMABs;</p> <p>2.6 community or state-based mediation organisations that are not RMABs;</p> <p>2.7 consumer organisations that use, but do not provide,</p>	<p>No equivalent in AMDRAS Standards as these provisions are contained in the Constitution</p>

mediation services; and 2.8 such other bodies recognised by the MSB from time to time.	
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