



THE AUSTRALIAN MEDIATOR
AND DISPUTE RESOLUTION
SYSTEM (AMDRAS)
STANDARDS

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Attachment A to Constitution of Mediator Standards Board Ltd

The Australian Mediator and Dispute Resolution System (AMDRAS)

STANDARDS

PART 1 - Overview

1 Purpose

- (a) This document:
- (i) establishes the Australian Mediator and Dispute Resolution System (AMDRAS), which replaces the National Mediator Accreditation System (NMAS).
 - (ii) sets out the role and functions of AMDRAS in the training, assessment, accreditation, and regulation of the practitioners to whom it applies.
- (b) This document is made in exercise of the powers granted under the Constitution of the Mediator Standards Board Limited ABN 11 145 829 812, clause 3 ('Objects of the company').

2 Relation to Constitution

- (a) The provisions of this document are subject to the Constitution.
- (b) If a provision of this document is inconsistent with a provision of the Constitution, the Constitution prevails to the extent of the inconsistency.

3 Contents

This document consists of the following:

- Parts 1–8
- Appendix 1: Guidelines—AMDRAS Training and Assessment Framework (TAF)
- Appendix 2: CPD 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 2 - Definitions, glossary, and interpretation

4 Definitions

In this document, the following terms have the meanings shown 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. |
| 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 In that capacity it established the National Mediator Accreditation System (or 'NMAS'), now superseded by AMDRAS.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. |
| 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. |
| 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.

| | |
|--|---|
| 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. |

6 Interpretation

In the interpretation of this document:

- (a) Notes, Examples, and headings containing the word 'overview', are for illustrative purposes only and do not control interpretation.
- (b) Words in the singular include the plural, and vice versa.
- (c) When introducing an example, the expressions 'including', 'for example', 'such as', and similar expressions, do not limit the meaning to that example or examples of a similar kind.
- (d) A power exercisable by, or a duty imposed on, a person or body may be exercised or performed by a delegate of that person or body (but that delegate cannot further delegate).
- (e) A reference to a person includes a reference to an entity.
- (f) A reference to an entity that no longer exists includes a reference to the entity that now serves substantially the same purpose as the former entity.
- (g) A reference to a month is to a calendar month.
- (h) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

PART 3 - Objectives and Application of AMDRAS

7 Objectives of AMDRAS

The objectives of AMDRAS include the following:

- (a) to establish, regulate and promote:
 - (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.

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').

8 Application and binding force of AMDRAS

- (a) The AMDRAS applies to:
 - (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:
 - (i) NDR; or
 - (ii) NDR conducted as part of a hybrid or blended process, excluding any determinative aspect of the process (but including any adaptations

required to enable a non-determinative aspect to function effectively alongside the determinative aspect).

- (c) The AMDRAS binds all persons and entities to whom it applies.

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PART 4 - Training and Accreditation Framework (TAF)

Division 1 - Overview of this Part

9 What this Part does

- (a) This Part sets out the standards for training and accreditation.
- (b) In overview, this Part covers the following matters:
 - (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.

Division 2 - Establishment, purpose, providers, and guidelines

10 Establishment of TAF

This Division establishes the AMDRAS Training and Accreditation Framework (TAF).

11 Purpose of TAF

- (a) The AMDRAS Training and Accreditation Framework (TAF) aims to make clear the knowledge and skills necessary for practice as a Registered Practitioner.
- (b) In doing so, the TAF:
 - (i) draws on established principles and policies; and
 - (ii) seeks to take account of each of the following:
 - (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.
- (c) Also, in doing so, the TAF seeks to:
 - (i) ensure that all Registered Practitioners have the required Professional Attributes.
 - (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.

12 Board's guidelines for training and assessment

- (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:
 - (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.

Division 3 - Levels of accreditation

13 The 3 levels of accreditation, Specialist Practitioners, and post-nominals

- (a) The AMDRAS recognises 3 levels of accreditation:
 - (i) Accredited Mediator
 - (ii) Advanced Mediator
 - (iii) Leading Mediator.
- (b) In addition, a person accredited at one of the 3 levels may also be accredited as a Specialist Practitioner as provided in clause 17.

- (c) The Board may specify appropriate post-nominals for each level of accreditation and for Specialist Practitioner.

14 Accredited Mediator

To qualify for accreditation as an Accredited Mediator, a person must:

- (a) have completed the Certificate of Assessment (COA) within the previous 6 months; and
- (b) hold certification from a Recognised Provider stating that they have:
 - (i) met the requirements of the Certificate of Training and COA; or
 - (ii) met the requirements of an alternative pathway in accordance with Division 8 of this Part.

15 Advanced Mediator

- (a) To qualify for accreditation as an Advanced Mediator, a person must have been listed as an Accredited Mediator for the previous 2 years on the National Register and have 40 hours of practice experience.
- (b) In addition, the person must either:
 - (i) have satisfactorily completed the Practicum Certificate course within the previous 6 months; or
 - (ii) have met the requirements of an alternative pathway in accordance with Division 8 of this Part.
- (c) An Advanced Mediator who has returned to the level of Accredited Mediator, and who later wishes to return to the level of Advanced Mediator, must redo the Practicum Certificate course if more than 3 years has passed since their Advanced Mediator accreditation ceased.

16 Leading Mediator

- (a) To qualify for accreditation as a Leading Mediator, a person must:
 - (i) be an Advanced Mediator; and
 - (ii) have 6 years' experience and 250 practice hours as an Advanced Mediator; and
 - (iii) as part of their ongoing Continuing Professional Development commitments, provide mentoring, coaching and related services to Registered Practitioners.

- (b) An RAP may apply to the Board for approval of a pre-existing framework that acknowledges experience, commitment, and leadership in the field, and that qualifies a person as holding Leading Mediator accreditation status.

17 Specialist Practitioner

- (a) To qualify for accreditation as a Specialist Practitioner, a person must:
 - (i) be listed on the National Register as an Accredited Mediator, Advanced Mediator, or Leading Mediator; and
 - (ii) have met the criteria for specialist accreditation specified from time to time by the Board.
- (b) The Board must specify criteria for the purposes of paragraph 17(a)(ii). In doing so, the Board may act on its own motion, or on application from a relevant organisation for recognition under AMDRAS of a Specialist Practitioner program which the organisation administers.

Division 4 - Initial accreditation: general provisions

18 Outline of process

- (a) In general terms, the process for initial accreditation as a Registered Practitioner involves the following steps:
 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).
- (b) The AMDRAS Board can, in exceptional circumstances, waive compliance with any of steps 1–4.

19 Waiver of requirements in exceptional circumstances

- (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.

20 Role of Recognised Providers in training and accreditation

- (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.

Division 5 - Certificate of Training (COT)

21 Purpose of COT

The Certificate of Training (COT) certifies that the holder has completed a recognised course that provides the foundational knowledge and skills framework for NDR practice.

Note. A COT may be designed not only for those seeking accreditation as a Registered Practitioner, but also for those interested in NDR and conflict resolution generally.

22 Outcomes of training

On completion of the COT course, trainees should:

- (a) understand and demonstrate the professional skills needed for effective NDR practice.
- (b) understand the Professional Attributes, including the Code of Ethics.
- (c) be able to find and interpret information within the AMDRAS, including AMDRAS's role in relation to Registered Practitioners.

23 Requirements of COT course

23.1 Duration and format

- (a) The duration of the COT course is a minimum of 45 hours.
- (b) The course may take the form of a single module, or separate modules to be taken over a maximum of 6 months.

23.2 Content

- (a) The course content must include the professional knowledge, skills and ethical principles expected of an accredited dispute resolution practitioner.
- (b) The course must:
 - (i) include a range of learning experiences; and
 - (ii) incorporate feedback and assessment.
- (c) The course must include at least nine simulated mediations of 1.5 hours each (excluding debrief).

- (d) Each trainee must perform the role of mediator in at least three of the simulated mediations. On each occasion, the training team must offer structured feedback, in written or oral form. The trainee's peers may also be invited to offer feedback.

24 Staff qualifications

- (a) Recognised Training Providers (RTPs) offering COT courses must employ qualified training teams.
- (b) Each training team must comprise a principal trainer and one or more assistant trainers.
- (c) A training team can also include one or more coaches to help coach role plays.
- (d) All principal trainers, assistant trainers, and coaches must be Registered Practitioners.
- (e) Principal trainers must have:
 - (i) at least 4 years' experience as a Registered Practitioner; and
 - (ii) at least 2 years' experience as a qualified trainer unless the Board approves otherwise.
- (f) Other trainers, assistant trainers, and coaches must have at least 2 years' experience as a Registered Practitioner.
- (g) The RTP must certify to the AMDRAS Board the names, qualifications, and experience of the members of its training team.

25 Issue of Certificate of Training

- (a) The Recognised Training Provider must issue a Certificate of Training (COT) to each of its students who completes the COT course.
- (b) The COT must include the names of the training team and the date the course was completed.

Division 6 - Certificate of Assessment

26 Purpose

The Certificate of Assessment certifies that the holder has passed the assessment required to apply for accreditation as a Registered Practitioner.

27 Enrolment for Certificate of Assessment

- (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.

27.2 Nature of assessment

- (a) Subject to any guidelines issued by the Board about the assessment required for the issue of a COA, the assessment must comprise:
 - (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
 - (ii) a standardised simulated mediation.

Note. The current guidelines about the assessment required for the issue of a COA are in Appendix 1.

- (b) The standardised simulated mediation must be:
 - (i) of 2 to 2.5 hours' duration.
 - (ii) designed to demonstrate each stage of the mediation process.
 - (iii) observed by an assessor (in real-time or by later video-viewing) who provides no feedback or coaching during the observation.
- (c) The assessor in paragraph 27.2(b)(iii) must:
 - (i) not have any conflict of interest with the applicant.
 - (ii) not have participated in the training team for the applicant's Certificate of Training.

28 Staff qualifications

- (a) Assessors for a COA must:
 - (i) have at least 3 years' experience as a Registered Practitioner; and
 - (ii) have completed at least 100 hours of mediation practice as a Registered Practitioner.
- (b) The RP must certify to the AMDRAS Board the names, qualifications, and experience of the members of its assessment team.

29 Issue of Certificate of Assessment

- (a) The Recognised Provider (RP) must issue a Certificate of Assessment (COA) to each of its applicants who pass the assessment.
- (b) The COA must include the date the assessment process was completed and approved by the RP.

Division 7 - Advanced training: the Practicum Certificate

30 Practicum Certificate

- (a) The Practicum Certificate certifies applicants as qualified to apply for accreditation as Advanced Mediators.
- (b) It is issued by Recognised Training Providers after applicants have completed an appropriate course of study.

31 Aims of Practicum Certificate course

The course leading to the Practicum Certificate must focus on practical skills and self-reflection, and be designed to:

- (a) ensure that participants share and discuss issues arising from their practice experience; and
- (b) afford them the opportunity to give and receive constructive critical feedback.

32 Who may apply for entry to Practicum Certificate course?

- (a) An Accredited Mediator may apply to a Recognised Training Provider (RTP) to undertake the Practicum Certificate course.
- (b) The applicant must have been an Accredited Mediator for at least the previous 2 years and have completed 40 hours practice.

33 Format and conduct of Practicum Certificate course

Subject to any guidelines issued by the Board about the format and conduct of the Practicum Certificate course, the course:

- (a) must be in workshop format, of 12 hours' duration; and
- (b) may be conducted in a single module, or separate modules totalling 12 hours.

Note. The current guidelines about the format and conduct of the Practicum Certificate course are in Appendix 1.

Division 8 - Alternative pathways to Certificates

34 Policy and guidelines

- (a) The AMDRAS recognises alternative pathways to the Certificate of Training, the Certificate of Assessment, and the Practicum Certificate, based on an applicant's prior learning and experience.
- (b) The Board may issue guidelines about appropriate alternative pathways.
- (c) Unless the guidelines state otherwise, they are binding and must be followed.
- (d) This power to issue guidelines does not derogate from the Board's general power to issue guidelines under clause 85.

35 Application for alternative pathway

- (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.
- (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.
- (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.

36 Examples of alternative pathways

36.1 Overview

Subject to any guidelines issued under clause 34, the following provisions of this clause give examples of three alternative pathways that a Recognised Provider may consider sufficient for an applicant who meets all of that pathway's requirements.

36.2 Pathway 1: Comparable training and assessment

The applicant has:

- (a) completed a comparable mediator course or NDR training course within the previous 3 years; and
- (b) passed a comparable assessment, including an assessed simulation designed to demonstrate each stage of the mediation process.

36.3 Pathway 2: Experience, education and assessment

- (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.

36.4 Pathway 3: Experience, culturally and societally diverse knowledge, and assessment

- (a) The applicant has:
 - (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:
 - (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 appropriate and that the Board has approved.

Division 9 - Applications for accreditation

37 Operation of this Division

- (a) This Division governs applications for accreditation under AMDRAS.
- (b) It applies to initial accreditation as Accredited Mediator and, with appropriate modifications, to accreditation as Advanced Mediator, Leading Mediator, and Specialist Practitioner.

38 Applications

Applications for accreditation are made to a Recognised Accreditation Provider (RAP).

39 Character, references, and disclosures

- (a) An applicant for accreditation must, in the RAP's opinion:

- (i) be of good character; and
 - (ii) possess personal qualities and experience appropriate to conducting mediations or other NDR processes independently, competently, and professionally.
- (b) The applicant must:
- (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
 - (ii) satisfy the RAP that the applicant has already satisfied this requirement under a comparable accreditation system.
- (c) The applicant must disclose any:
- (i) disqualification from any type of professional practice.
 - (ii) criminal conviction.
 - (iii) impairment that could influence their capacity to discharge their obligations in a competent, honest, and professional manner.
 - (iv) refusal of accreditation or accreditation-renewal.
 - (v) suspension or cancellation of accreditation.

40 Time limits

- (a) An applicant for initial accreditation as an Accredited Mediator must apply within 6 months of obtaining a Certificate of Assessment.
- (b) An applicant for accreditation as an Advanced Mediator must apply within 6 months of obtaining a Practicum Certificate.

41 Payment

An applicant for accreditation must pay the registration fee for listing on the National Register.

42 Membership of Recognised Accreditation Provider or equivalent organisation

An applicant for accreditation must become and thereafter remain:

- (a) a member, or employee, of a Recognised Accreditation Provider; or
- (b) a member or employee of an equivalent body or organisation approved by the Board that has:
 - (i) an appropriate ethical code or standard, and

- (ii) a complaints and disciplinary procedure that adequately addresses complaints against NDR practitioners.

43 Privacy consents

An applicant for accreditation is taken to (and if requested, must expressly) consent to:

- (a) their personal information being disclosed to the Board or relevant AMDRAS-related entity; and
- (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).

44 Insurance

An applicant for accreditation must:

- (a) be covered by professional indemnity insurance commensurate with their level of accreditation under AMDRAS; or
- (b) have statutory immunity from liability.

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.

46 Accreditation at same or different level

A Registered Practitioner may seek renewed accreditation for the same or a different level of accreditation.

Example. An Advanced Mediator or Specialist Practitioner could seek accreditation as an Accredited Mediator, or (if appropriately qualified) as a Leading Mediator.

47 Renewal requirements: general

- (a) To qualify for renewed accreditation, a Registered Practitioner must, within the 2-year period since their previous accreditation or renewal, have met:
 - (i) the practice requirements in paragraph (c); and
 - (ii) the continuing professional education (CPD) requirements in clause 48.
- (b) A Registered Practitioner must:
 - (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.

- (c) The practice requirements (calculated over the 2-year renewal period) for renewal of accreditation are:
- (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.
 - (ii) **Advanced Mediator:** at least 40 hours of mediation or co-mediation.
 - (iii) **Leading Mediator:** the same requirements as Advanced Mediator.
 - (iv) **Specialist Practitioner:** at least 40 hours of specialised practice within their area of specialty.

48 Renewal: CPD requirements

- (a) The continuing professional development (CPD) requirement for all levels of Registered Practitioners is 25 hours, calculated over the 2-year renewal period.
- (b) To be allowable, the CPD must be directed at developing or maintaining the Professional Attributes.
- (c) CPD hours relied on for renewal of accreditation cannot be relied on for any later renewal of accreditation.

49 Adjusted renewal requirements in certain circumstances

- (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.
- (b) To be allowable, the circumstances:
 - (i) must be contextual; and
 - (ii) must include at least one of the following:
 - (A) lack of work opportunities
 - (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.

- (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:
 - (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.
- (d) The Registered Practitioner must comply with the conditions within 2 months of the date for re-accreditation, otherwise the accreditation lapses.
- (e) An RAP cannot grant adjusted renewals to the same Registered Practitioner for consecutive renewal periods.

50 Adjusted renewal data

Each RAP must provide the Board with ongoing data on adjusted renewals they have negotiated with Registered Practitioners.

Division 11 - Fees for listing on National Register

51 Registration fees

- (a) An applicant seeking to list or re-list on the National Register must pay the relevant fee to their Recognised Accreditation Provider (RAP).
- (b) The RAP must then pay it to the Board on the applicant's behalf.

Division 12 - Absence, suspension, cancellation, imposition of conditions, re-instatement

52 Leave of absence

52.1 Applying for leave of absence

- (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.

53 Recording grant of leave on National Register

- (a) Where a Recognised Accreditation Provider (RAP) grants leave of absence for 12 months or less, it must ask the Board to:
 - (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.

54 Suspension, cancellation, and imposition of conditions

- (a) This clause applies where, in the opinion of a Recognised Accreditation Provider (RAP), a Registered Practitioner has breached their obligations under the AMDRAS.
- (b) The RAP may:
 - (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.
- (c) Alternatively, without suspending or cancelling the accreditation, the RAP may impose conditions on the Registered Practitioner's continued accreditation.
- (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).

55 Procedural fairness, policies, and procedures

In deciding whether to act under clause 54, the RAP must:

- (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.

56 RAP to inform Board of its decision

- (a) Where a Recognised Accreditation Provider (RAP) suspends or cancels a Registered Practitioner's accreditation, it must as soon as possible:
 - (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.
- (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.
- (c) The Board may seek further information from the RAP.

57 Application to have conditions removed

- (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).

58 Re-instatement of accreditation

58.1 Application

This clause 58 applies where a person ('the applicant') seeks re-accreditation:

- (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).

58.2 Evidence to be provided

The applicant must provide the relevant RAP with the following information:

- (a) evidence that, as at the time of the application, the applicant satisfies:
 - (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.

58.3 Additional evidence of CPD compliance

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.

58.4 Effective date of re-instatement

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.

58.5 Limit on power to re-instate

An applicant cannot be granted re-instatement more than once in every 4-year period.

Division 13 - Waiver of re-accreditation requirements

59 Waiver by Board in exceptional circumstances

- (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.
- (b) The waiver may be conditional or unconditional.

PART 5 - THE PROFESSIONAL DOMAINS

60 Application

- (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.
- (b) The four Professional Practice Domains are:
- Professional Knowledge
 - Professional Skills
 - Professional Ethics and Responsibilities
 - Professional Development.
- (c) The Professional Attributes:
- (i) may vary with a particular Registered Practitioner's level of experience, area of specialisation, and practice context.
- (ii) may evolve over time and in response to practice environments.
- (d) Recognised Providers must consider and include the Professional Attributes when providing training and assessment under the Training and Accreditation Framework (TAF).

61 Professional Attributes—overview

The Professional Attributes are:

- (a) designed to ensure that the public can have confidence in the knowledge, skills, ethical standards, and up-to-date expertise of Registered Practitioners.
- (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.
11. Supporting parties to participate in the NDR process.
12. Managing risks to fairness, safety, and abuse of process.
13. Meeting their ethical, professional, and legal obligations.
14. Providing information, guidance, and advice as appropriate.

Note: Appendix 4 contains guidelines on how the Professional Attributes relate to Professional Skills (and to Professional Ethics and Responsibilities).

62.3 Domain 3 - Professional Ethics and Responsibilities

The Professional Ethics and Responsibilities domain includes the following Professional Attributes:

15. Providing accessible and inclusive services.
16. Supporting self-determination and informed decision-making.
17. Providing information to the participants about the confidentiality of the process and any obligations to release confidential information.
18. Facilitating an even-handed, safe, and ethical process.
19. Representing their services and competence honestly and transparently.
20. Meeting their legal, regulatory, and professional obligations.

21. Providing guidance and advice only when competent and authorised to do so.
22. Providing a feedback and complaints mechanism.

Note: Appendix 4 contains guidelines on how the Professional Attributes relate to Professional Ethics and Responsibilities (and to Professional Skills).

62.4 Domain 4 - Professional Development

The Professional Development domain includes the following Professional Attributes:

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.

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.

64 Compliance with regulatory obligations

- (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.

65 Code of Ethics

- (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.

PART 6 - RECOGNISED PROVIDERS

66 Powers of Board to authorise Recognised Providers

- (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.

67 Role of Recognised Providers

- (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.

68 Requirements for authorisation as Recognised Providers

68.1 General requirements

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:

- (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.

68.2 Complaints-handling

- (a) Appendix 5 provides a model 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.

69 Additional requirements for authorisation as RTP

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.

70 Additional requirements for authorisation as RAP

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:

- (a) the capacity and expertise to assess whether applicants meet the requirements under the Training and Accreditation Framework for:
 - (i) movement between levels of accreditation, and
 - (ii) renewal of accreditation.
- (a) the ability to provide, or refer Registered Practitioners to, CPD activities.
- (b) systems or mechanisms to meet their AMDRAS obligations.
- (c) 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.

71 Additional responsibilities of RAPs

In addition to its obligations under other provisions of this document, a Recognised Accreditation Provider (RAP) must:

- (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:
 - (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.
 - (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.

72 No doubling-up of accreditation

- (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:
 - (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.

73 Recognition of accreditation by another RAP

- (a) This clause applies where a Recognised Accreditation Provider (RAP) is required to recognise the accreditation of a Registered Practitioner who is currently accredited under the AMDRAS by another RAP.

Note: for this requirement, see clause 71(f).

- (b) The RAP:
 - (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:
 - (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.

PART 7 - THE NATIONAL REGISTER

74 Background: role of National Register

The AMDRAS Board is responsible for, and administers, the National Register.

Note. The Register enables consumers, advisers, and others to confirm whether Registered Practitioners are accredited and obtain details of their accrediting Recognised Accreditation Provider.

75 AMDRAS Board's powers and duties

- (a) In exercise of its responsibility for the National Register (the 'Register'), the Board must:
 - (i) maintain the Register.
 - (ii) respond in a timely manner to complaints about the Register.
 - (iii) provide RAPs with login identification, passwords, and other information they need to upload particulars of Registered Practitioners onto the Register.
- (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.

PART 8 - THE AMDRAS BOARD

76 Overview

This Part sets out how the Board exercises some of its powers and responsibilities in furthering the objects in clause 3 of the Constitution.

Note. See also Part 3 of this document.

77 Board administers AMDRAS

The Board administers the Training and Accreditation Framework (TAF) with a view to achieving consistency, quality, and public protection in:

- (a) training Registered Practitioners, and
- (b) accrediting Registered Practitioners and AMDRAS Members and related bodies.

78 Board provides support and encouragement

78.2 The Board provides support and encouragement to AMDRAS Members in their efforts to meet their responsibilities under the AMDRAS.

78.3 This includes supporting AMDRAS Members in ensuring relevant, workable, and up-to-date processes for complaints-management, accreditation, and re-accreditation.

79 Board can amend AMDRAS

The Board can amend all or any aspects of the AMDRAS, including this document.

80 Board's power to suspend, etc.

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.

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.

81 Board keeps register of trainers, assessors, etc.

The Board must keep and maintain a register of:

- (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.

Note. The register under this provision is different from the National Register.

82 Board can audit Recognised Providers

The Board:

- (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.

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.

86 Board's incidental powers and functions

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.

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Appendix 1

GUIDELINES

AMDRAS TRAINING and ASSESSMENT FRAMEWORK (TAF)

Background to guidelines

1. Various provisions of the AMDRAS Standards ('Standards') authorise the AMDRAS Board to issue guidelines governing the content and nature of the required training and assessment of Registered Practitioners. This Appendix 1 contains the current guidelines. They form part of the Standards.

The guidelines provide a checklist of material relevant to the Certificate of Training (COT), the Certificate of Assessment (COA), and the Practicum Certificate. Their purpose is to ensure that Recognised Providers and others wishing to provide AMDRAS-recognised COT and COA courses, and the Practicum Certificate, provide courses that are consistent with the Standards. The Board may amend, add to, delete, or replace any or all of the guidelines.

2. Under clause 85 of the Standards:
 - (a) guidelines are binding and must be followed (unless the guidelines state otherwise).
 - (b) guidelines are to be interpreted so far as possible as being consistent with Parts 1–8 of the Standards.
 - (c) there is no inconsistency merely because a provision in the guidelines is more detailed than the relevant provision in Parts 1–8 of the Standards.
3. Terms defined in the AMDRAS Standards have the same meanings in this Appendix.

Summary of accreditation requirements

4. Table 1 summarises the requirements for accreditation at the different levels of Registered Practitioner.

Table 1: Accreditation Level Requirements

| Level of Accreditation | Course & Training Hours Required | CPD Hours Required * | Practice Hours Required * |
|------------------------|---|----------------------|---------------------------|
| Accredited Mediator | COT + COA: 45 hours initial training + assessed simulation(s) and written assessment(s) | 25 hours | 20 hours |
| Advanced Mediator | Practicum: 12 hours | 25 hours | 40 hours |
| Leading Mediator | Not applicable (see Standards, clause 16) | 25 hours | 40 hours |

| | | | |
|-------------------------|-------------------------------------|----------|----------|
| Specialist Practitioner | Variable (see Standards, clause 17) | 25 hours | 40 hours |
|-------------------------|-------------------------------------|----------|----------|

*Note: These hours are calculated over the two-year accreditation period. A minimum of one-third of these hours should preferably be completed within the first year of the accreditation period.

5. The AMDRAS also allows alternative ways of seeking accreditation.

Certificate of training (COT)

6. The COT is awarded to persons who have completed the initial training course for AMDRAS accreditation.

Note: The course may be undertaken whether the person wishes to seek AMDRAS accreditation, or merely wishes to add dispute-resolution processes and skills to their qualifications.

Course objectives

7. The COT course has the following general objectives:
- to increase participants' self-awareness of their conflict and negotiation styles, and the relevance of those styles to professional non-determinative dispute resolution (NDR) practice generally and mediation practice specifically.
 - to introduce participants to the conceptual basis of NDR and mediation theory and practice.
 - to improve participants' ability to provide NDR and mediation services in a variety of contexts.
 - to introduce participants to a variety of skills, tactics and strategies employed in NDR and mediation interventions.
 - to increase participants' awareness of the range of ethical and practice issues in NDR and mediation practice.
 - to introduce participants to the Professional Domains and underlying Attributes and the Code of Ethics.
 - to ensure that participants can find and interpret information within the AMDRAS, including AMDRAS's role in governing Registered Practitioners.

The course content must reflect these objectives.

Course format and duration

8. The COT course must:
- provide a balance between skills, theory, and reflective practice; and

- (b) incorporate multiple approaches, including role-plays and exercises interspersed with presentations and discussions about the practical application of skills.
9. The Registered Training Provider (RTP) must give all participants:
- (a) relevant written material through a workbook/handbook format, and/or online material; and
 - (b) links to appropriate texts and journal articles to support learnings.

The workbook/handbook (whether provided electronically or in hard copy) must include a selection of references and other resources to supplement the skills-development focus of the course.

10. The COT course must be at least 45 hours long.
11. The 45 hours must include:
- (a) approximately one-half (or 22.5 hours) focussed on the required 9 simulated mediations, relevant debriefing, and follow up course-specific sessions on issues that have arisen from the simulated mediations.
 - (b) the remaining one-half (or 22.5 hours) focussed on the Professional Attributes (ie, knowledge, skills, ethics and responsibilities, and professional development), and relevant conflict and negotiation theory.
12. The content delivery should encompass appropriate adult learning principles. This allows the actual 'mix' of various Professional Attributes to vary between courses, depending on the trainee cohort.

Course content

13. The COT course must:
- (a) emphasise the facilitative mediation process; and
 - (b) discuss other NDR and mediation structures (eg, shuttle, co-mediation) and how they interact with legislative and other professional frameworks that may apply; and
 - (c) include content relating to the 4 Professional Practice Domains (Professional Knowledge, Professional Skills, Professional Ethics and Responsibilities, and Professional Development) as described in Part 5 of the Standards.
14. Table 2 in this Appendix outlines the course content for the Professional Knowledge Domain. It is designed to impart the essential knowledge that underpins the Professional Attributes in that domain. In preparing and delivering the course, Recognised Training Providers and trainers must take account of Table 2.

Note: Recognised Training Providers and trainers must also take account of Appendix 2 (which is most relevant to the Professional Development domain), and Appendix 4 (which outlines the Professional Skills, and Professional Ethics and Responsibilities Domains).

15. The principal trainer for the COT course must have at least 2 years' experience as a qualified trainer (Certificate 4 or above).

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Table 2: The Professional Knowledge Domain: attributes, focus areas, and indicative levels of attainment

| Knowledge attributes | Focus areas | Indicative level of attainment |
|--|---|--|
| <p>1. Understands conflict and the way people behave when they are in it.</p> | <p>1.1 Understands the characteristics of conflict and how people and groups respond to it.</p> | <p>1.1.1 Participants can list common types and sources of conflict that might arise between individuals or within groups. They can also compare conflict's constructive and unconstructive characteristics to identify the elements that tend to form the basis of disputes. (For example, constructive conflict may feature collaboration and problem solving to generate new ideas or important change. In contrast, unconstructive conflict may dehumanise people or attribute motives to cast the 'other' as inherently bad or lesser.)</p> |
| | <p>1.2 Understands the characteristics of people in conflict.</p> | <p>1.2.1 Participants can list the characteristics of people in conflict and situate them within an existing framework or structure (eg, the five core concerns, the satisfaction triangle, Thomas Kilmann conflict modes, etc).</p> |
| <p>2. Understands the factors that play a role in conflict and dispute resolution.</p> | <p>2.1 Understands the role of self-determination in conflict and dispute resolution.</p> | <p>2.1.1 Participants can explain the role of self-determination in conflict and dispute resolution, including the circumstances in which the context or situation may be a factor in shaping that role.</p> <p>2.1.2 Participants should understand the role and impact on self-determination of interventions such as reality testing.</p> |
| | <p>2.2 Understands the role of emotions in conflict and dispute resolution.</p> | <p>2.2.1 Participants can distinguish between typical and atypical manifestations of emotions in conflict, including the extent to which they may need to account for cultural, psychological, or other contextual differences. (For example, a typical manifestation of emotion in one culture may be atypical in another culture, or the presence of trauma may trigger an unanticipated emotional response.)</p> |
| | <p>2.3 Understands the dynamics of power and violence in conflict and dispute resolution.</p> | <p>2.3.1 Participants can compare overt and covert manifestations of power and/or violence in conflict, including how this plays out in dispute resolution (eg,</p> |

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| | | <p>understanding how the stress response can impact on participants in conflict, including through minimising, behavioural triggers, various forms of manipulation or intimidation, such as diversion, trivialising, impression-management, micro-aggressions, threats, etc).</p> |
| | <p>2.4 Understands that diversity and inclusion influence experiences of conflict and dispute resolution</p> | <p>2.4.1 Participants can identify ways in which experiences of conflict or dispute resolution may differ for those who vary in some way from the prevailing cultural or societal norms (eg, how might the experiences of First Nations people, LGBTQIA+ people, refugees, autistic people, people experiencing mental illness, etc, differ from people who are cis-gendered, heterosexual, abled, middle-class and/or white?).</p> |
| | <p>2.5 Understands the role of empathy in conflict and dispute resolution.</p> | <p>2.5.1 Participants can distinguish the different roles that empathy may play in dispute resolution, including the practitioner showing empathy for the parties compared to the practitioner helping the parties to show empathy for each other.</p> |
| | <p>2.6 Understands the role of perspective taking in conflict and dispute resolution.</p> | <p>2.6.1 Participants can describe the role of perspective-taking in conflict and dispute resolution.</p> |
| <p>3. Knows the principles and models for non-determinative dispute resolution, the process of mediation, and the roles or functions of the people involved with a focus on facilitative mediation.</p> | <p>3.1 Knows the principles of mediation, including what makes a matter suitable for a given process.</p> | <p>3.1.1 Participants can compare the principles of facilitative mediation with the principles of other forms of non-determinative dispute resolution (eg, other styles of mediation, negotiation, conciliation, restorative practice, hybrid).</p> |
| | <p>3.2 Knows the mediation process.</p> | <p>3.2.1 Participants can explain the elements or features that distinguish the facilitative mediation process from other forms of mediation or NDR and can understand the interaction between these various elements.</p> |
| | <p>3.3 Knows the role of the third-party intervenor/mediator.</p> | <p>3.3.1 Participants can compare the role of the facilitative mediator with the role of practitioners in other forms of mediation or NDR.</p> |
| | <p>3.4 Knows the role of the parties.</p> | <p>3.4.1 Participants can describe the role of the parties in facilitative mediation.</p> |

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| | 3.5 Knows the role of support persons, lawyers, and other professionals | 3.5.1 Participants can describe the role of support persons, lawyers, and other professionals in facilitative mediation. |
| 4. Knows a range of strategies or techniques for resolving conflict and when to use them. | 4.1. Knows negotiation strategies or techniques. | 4.1.1 Participants can describe the characteristics of interest-based negotiation and their function in resolving conflict, particularly within a facilitative mediation context (eg, seven elements, negotiation stage, prioritisation of interest-focused options, BATNA, etc). |
| | 4.2 Knows problem-solving strategies or techniques. | 4.2.1 Participants can identify problem-solving strategies to achieve stated goals or fulfil parts of a given non-determinative dispute resolution process (eg, brainstorming, SWOT analysis, root cause analysis, 5 whys, considering alternatives, developing multiple options, etc). |
| | 4.3 Knows communication strategies or techniques, including transitional communications skills, reported speech, reframing skills, and reality-testing strategies or techniques. | 4.3.1 Participants can identify communication strategies to achieve stated goals or fulfil parts of a facilitative mediation or other non-determinative dispute resolution process (eg, rephrasing to neutralise inflammatory language, open-ended questioning to elicit information, open body posture to suggest openness to ideas, transitional questions and statements, timely exchange of documents). 4.3.2 Participants can identify reality-testing strategies to achieve stated goals or fulfil parts of a given NDDR process (eg, seeking expert advice or opinion, providing statistical information about typical outcomes, etc). |
| 5. Understands the requirement for fairness, safety, and protection against misuse of the process. | 5.1 Can describe ways in which even-handedness typically manifests in NDR. | 5.1.1 Participants can describe ways in which even-handedness typically manifests in facilitative mediation and NDR processes. |
| | 5.2 Understands the requirement for managing power and safety. | 5.2.1 Participants can identify managing power and safety as an inherent requirement in facilitative mediation and NDR processes and can cite examples that would require the mediator to refuse to commence, to suspend and/or to terminate the process. |

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| 6. Understands their ethical, professional, and legal obligations. | 6.1 Understands the professional obligations of an AMDRAS Registered Practitioner. | 6.1.1 Participants can identify the AMDRAS as the framework governing the professional obligations of accredited mediators, including expectations about professional interactions and representations, ongoing professional development and competence, and complaints handling. |
| | 6.2 Understands the requirement for protecting against the misuse or abuse of the process. | 6.2.1 Participants can identify protecting against misuse and abuse of the process as an inherent requirement in facilitative mediation and can cite examples where it would be appropriate for a mediator to refuse to commence, to suspend and/or to terminate the process. |
| | 6.3 Understands the ethical obligations of a Registered Practitioner. | 6.3.1 Participants can identify the legal and regulatory frameworks which typically apply to facilitative mediators and NDR practitioners (eg, the various federal and state-based Civil Procedure Acts, the Uniform Evidence Acts, the Legal Profession Uniform Laws, 'without prejudice' privilege, etc). |
| 7. Understands the scope and types of guidance or advice offered by non-determinative dispute practitioners. | 7.1 Understands the scope and types of information, guidance, or advice on the cultural, psychological, or social context ('sociocultural or psychological') applicable. | 7.1.1 Participants can list examples of 'socio-cultural or psychological' information, guidance or advice that are typically permissible within a facilitative mediation (eg, advice to avoid scheduling a mediation during a religious festival, and guidance on the inclusion of young people). |
| | 7.2 Understands the scope and types of information, guidance, or advice on procedural matters, including the process if no agreement is reached ('procedural'). | 7.2.1 Participants can list examples of 'procedural' information, guidance, or advice typically permissible within a facilitative mediation (eg, what to expect from the facilitative mediation process, the role of mediator, at what stage the parties can suggest options for resolution, the process if the parties don't attend, etc). |
| | 7.3 Understands the scope and types of information, guidance, or advice respectively upon substantive matters, merits, options, and outcomes. | 7.3.1 Participants can list examples of 'substance', merits, options and outcomes-based information, guidance or advice which are typically permissible within a facilitative mediation or NDR process (eg, information about common topics for the agenda as part of intake or during the agenda-setting phase, indirect guidance via reality testing in |

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| | | private sessions, suggesting further options, etc). |
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Certificate of assessment (COA)

Overview

16. The Certificate of Assessment (COA) is awarded to candidates who have successfully completed the required assessment following their Certificate of Training (COT) or who have satisfied the 'alternative pathways' requirements.
17. The COA entitles its awardee to apply for accreditation as a Registered Practitioner.
18. The assessment must:
 - (d) Be conducted by assessor(s) who were not part of the training team for the candidate's COT course; and
 - (e) use a standardised assessment tool to ensure fair and consistent assessment.

Assessment content and timing

19. The assessment consists of:
 - (a) participation in a simulated mediation of at least 2 hours (but no more than 2.5 hours) that demonstrates the various stages in the mediation process model; and
 - (b) a written assessment, of 1200 words, in the form of a test, journal or assignment (or a combination of these), designed to consolidate learning and promote reflective practice.

Reasonable adjustments can be made to take account of disabilities or linguistic and cultural backgrounds.

20. Candidates for the COA must undertake their assessment within 6 calendar months of completing their COT course.

Simulated mediation

21. The simulated mediation may be conducted:
 - (a) live (either face-to-face or via an online platform), or

- (b) as a recorded session (under appropriate supervision) for review by an assessor later.
22. The AMDRAS Board must give Recognised Providers a template of the various stages of the mediation process and the skills required. A Recognised Provider may modify the template to suit its own needs but must give a copy to the Board. The Board may refuse the modification.
 23. Subject to any template given under clause 22, the simulation must include all stages of the mediation process, including reaching agreement (where possible). If the agreement stage is not reached or is not possible, then the Recognised Provider may require an additional assessment task that focuses on this aspect of the process.
 24. Where possible, the Recognised Provider should record live simulations, for use in any later review process should the candidate be unsuccessful.
 25. The Recognised Provider must ensure that:
 - (a) each candidate receives, at least 24 hours before the simulation, all relevant materials for the simulation, including any role play material relevant to the candidate's participation.
 - (b) each candidate's participation in the simulation is observed by an authorised and independent assessor, who must not provide any simultaneous feedback or coaching to the candidate.
 - (c) the assessment results for simulations are completed within 10 working days of the live simulation or receipt of the recording.
 26. The Recognised Provider should schedule no more than 3 simulated mediations in any one day for each assessor they employ.
 27. Assessors must indicate start and finishing times for simulations, but otherwise participants must manage their own time.
 28. The Recognised Provider may provide practice sessions in preparation for the simulated mediation or as part of an assessment workshop. However, practice sessions are not included in the formal assessment process.

Written assessment

29. Before or when releasing the topic(s) of the 1200-word written assessment, the Recognised Provider must advise candidates of:
 - (a) the assessment objectives.
 - (b) the process for submitting written material.

- (c) the due date for submitting the assessment (normally within 10 working days of their simulated mediation).

Review process

- 30. Recognised Providers must have in place policies for reviewing assessments. They must give a copy of the policies:
 - (a) to the Board, and
 - (b) to candidates before they submit their assessments.
- 31. The Recognised Provider's policies must ensure that reviews of simulated mediations:
 - (a) are conducted by independent third-party assessors authorised by the Recognised Provider; and
 - (b) are documented.

The Practicum Certificate

Overview

- 32. The Practicum Certificate course focuses on practical skills and self-reflection. It should give participants the opportunity to share and discuss issues arising from their practice experience and allow them to give and receive constructive critical feedback.
- 33. A person may not apply for entry to the Practicum Certificate course unless they were awarded a Certificate of Assessment at least 2 years earlier.

Practicum Certificate course learning objectives

- 34. The Practicum Certificate course focuses on advanced or more complex issues, to update and refine participants' skills, practices, and theoretical perspectives. It has the following objectives:
 - (a) to identify practice obstacles and challenges in mediation, and ways of overcoming them.
 - (b) to identify and demonstrate an understanding of the purpose, techniques and skills required for each stage of the mediation process.
 - (c) to be more aware of socio-cultural considerations when mediating with culturally and linguistically diverse communities, or with indigenous communities.
 - (d) to identify and demonstrate the characteristics of a mindful and reflective mediator.

Practicum Certificate course duration and framework

35. The Practicum Certificate course is in workshop format, of 12 hours' duration, taken over a period of up to 2 months. It may be conducted in modules (eg, 2 modules of 6 hours, or 4 modules of 3 hours, or any other equivalent).
36. Workshop groups should:
 - (a) be limited to 18 participants to maximise cross-group discussion and involvement, and
 - (b) preferably be face-to-face, and if at all possible, comprise at least 75% face-to-face hours.
37. Each participant must present to the group a case study (suitably de-identified) of a part of a mediation session in which they have been involved. The case study must include at least the following:
 - (a) advanced consideration of the various elements of the Professional Attributes.
 - (b) consideration of an issue that confronted the mediator and how (in the participant's view) it could have been better or differently addressed.
 - (c) a short one-page summary of the issues presented by the case study (in point form if desired).

Participants should illustrate their case studies by role play and other means of demonstrating the various skills and interventions.

Practicum Certificate assessment

38. Assessment is by means of an 800–1000 word written outline of their case presentation and discussion. The participant must give the outline to their Practicum facilitator within 7 days after they have presented to the group. The facilitator must mark the outline as 'satisfactory' or 'not satisfactory', giving reasons, in conformity with the Practicum Certificate course learning objectives.
39. If a candidate requests, the Registered Provider must provide a template for the case study.

Further guidelines, etc, may be provided by the AMDRAS Board

40. From time to time the Board may issue further guidelines, templates, and resources to Recognised Providers. The Board must make them available on the Board's website, readily accessible to Registered Practitioners and the public—unless required to be restricted for reasons of confidentiality or to protect the integrity of the courses or assessment exercises.

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Appendix 2

CPD Schedule and Record Sheet

Overview

1. The AMDRAS requires all AMDRAS Registered Practitioners to undertake both Continuing Professional Development (CPD) activities and practice hours to meet the requirements of the Professional Development Domain and underlying attributes (see Clause 62.4). The Professional Development domain includes the following Professional Attributes:
 - (a) Engaging in reflective practice.
 - (b) Engaging in continuing professional learning.
 - (c) Contributing to the field, including through mentoring and supervision of less experienced practitioners.
2. The required hours for each vary with the level of accreditation: see CPD Table 1, below.

The accreditation renewal period in all cases is 2 years. To prevent bunching towards the end of the 2-year period, Registered Practitioners should seek to complete a minimum one-third of the total number of hours in the first year of each renewal period.

CPD Table 1: Hours required

| Level of Accreditation | CPD Hours Required | Practice Hours Required |
|-------------------------|--------------------|-------------------------|
| Accredited Mediator | 25 hours | 20 hours |
| Advanced Mediator | 25 hours | 40 hours |
| Leading Mediator | 25 hours | 40 hours |
| Specialist Practitioner | 25 hours | 40 hours |

CPD element

3. To qualify for the required hours, CPD must contribute to the development or maintenance of the Professional Attributes and be relevant to the Registered Practitioner's level of accreditation.
4. The claimable CPD activities are divided into 10 categories, with varying allowable hours, as set out in Table 2, below.

Note: Leading Mediators are restricted in certain areas as to the hours they can claim (see Table 2).

5. In Table 2, the ‘Claimable Maximum Hours’ column indicates the maximum number of hours that can be claimed for the specified type of activity.

Example: A Registered Practitioner has attended and participated in 60 hours of training activities and conferences over the 2-year accreditation-renewal period. They can claim only up to 20 hours. If (as recommended) they keep a record sheet—see Table 3, below—they would mark on the sheet the actual number of hours they attended (60 hours) but would claim 20 hours.

6. To facilitate any audit required by the AMDRAS Board or an AMDRAS Member body, Registered Practitioners must keep documentary or other proof of their CPD activities.
7. A Registered Practitioner who has a query about the CPD requirements should, in the first instance, enquire of their Recognised Accreditation Provider.
8. If a dispute arises between a Registered Practitioner and an AMDRAS Member body about the CPD requirements, and they cannot resolve it, then either party may refer the dispute to the AMDRAS Board for determination. The Board’s determination is final and binds the parties.

CPD Table 2: Activities and CPD Hours Master Table

| Type of CPD Activity | Topic Code | Claimable Maximum Hours | Definition/Description | Special Provisions |
|--------------------------------------|------------|-------------------------|--|---|
| Education and Conferences | C1 | 20 | <ul style="list-style-type: none"> • Participating in formal structured activities such as training seminars and workshops (up to 20 hours). • Attending conferences (up to 10 hours). | |
| Structured Peer-Based Reflection | C2 | 7 | Participating in structured peer-based reflection on NDR cases. | |
| Professional Supervision or Coaching | C3 | 8 | Receiving supervision in relation to practice issues. | Leading Mediators cannot claim this. [Note: Leading Mediators can provide supervision but cannot claim it for CPD purposes. This is to encourage them to undertake other forms of CPD.] |
| Providing Professional Development | C4 | 15 | Includes: <ul style="list-style-type: none"> • delivering presentations on NDR or related topics • providing professional supervision, assessment, coaching or mentoring of other RPs or trainees. | Leading Mediators must provide a minimum of 10 hours. |
| Related Professional CPD | C5 | 5 | CPD completed to maintain professional licensing or accreditation related to their practice, such as in: <ul style="list-style-type: none"> • law • behavioural or social sciences | |

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| | | | <ul style="list-style-type: none"> another professional field in which they practice (eg, conciliation, family disputes, restorative justice, indigenous peacemaking, etc). | |
| Role Playing in NDR Training | C6 | 4 | Eg, in the Certificate of Training, Certificate of Assessment, or other approved AMDRAS-related training provided by an RTP, RSP or RAP. | |
| Representing Clients in NDR Processes | C7 | 4 | Eg, as part of a lawyer-client relationship or as a support person to a party. | A maximum of 2 hours can be claimed for each separate process. |
| Self-directed learning | C8 | 5 | Private study, such as: <ul style="list-style-type: none"> reading listening to or viewing pre-recorded content such as podcasts writing articles or books relevant to mediation and that are published in recognised journals or by recognised publishers. | |
| Publications and Research Participation | C9 | 8 | <ul style="list-style-type: none"> Writing articles or other publication types such as blogs, reports, submissions, and the like. Participation in NDR-related research. | A maximum of 4 hours can be claimed for any one activity. |
| Other | C10 | 5 | Other activities as approved by the AMDRAS Board on application by an RAP. | |

AMDRAS CPD and Practice Hours Self-Record

- Table 3 is the recommended AMDRAS CPD and Practice Hours Self-Record. Completion of this record is not a mandatory element of the CPD requirements. However, it is designed to simplify the recording process, and to facilitate any audit of the CPD requirements.
- Registered Practitioners must provide this completed record, or an equivalent, if requested by the AMDRAS Board, an AMDRAS Member body, or an authorised delegate.

Table 3: The AMDRAS CPD and Practice Hours Self-Record

Name:

Accreditation Type:

Registered Accreditation Provider (RAP):

Please retain this for your records. Record of CPD activities for the two-year CPD period from / /20__ to / /20__

| Type of Activity | Activity Code | Supporting Documents Kept | Date/s of Activity | Place of Activity | Total Duration (hours) of Activity | Claimed CPD Hours for |
|------------------|---------------|---------------------------|--------------------|-------------------|------------------------------------|-----------------------|
|------------------|---------------|---------------------------|--------------------|-------------------|------------------------------------|-----------------------|

Appendix 3

AMDRAS CODE OF ETHICS

Registered Practitioners value the trust placed in them to help people manage differences, negotiate difficult situations, and resolve their disputes.

Therefore, as part of their commitment to protecting and upholding public and institutional confidence in their profession, Registered Practitioners commit to:

1. Providing accessible and inclusive services.
2. Supporting self-determination and informed decision-making.
3. Facilitating an even-handed, safe, and ethical process, including:
 - 3.1. protecting against misuse or abuse of process.
 - 3.2. declaring conflicts of interest and avoiding the use of information for personal gain.

Note: The existence of a conflict of interest does not necessarily mean that the Registered Practitioner must withdraw if the parties give informed consent and the Registered Practitioner and the parties are willing to proceed on that basis.
4. Representing their services and competence honestly and transparently, with specific attention to information about:
 - 4.1. the approach they will take or the type of NDR process to be used.
 - 4.2. any fees or charges.
 - 4.3. their competence or experience generally, or in a specialist context or area of expertise.
 - 4.4. any inducements or affiliations.

Example: VCAT employs private mediators to conduct some of its mediations, and the mediators come from different fields. This should be explained to the parties.
5. Meeting their legal, regulatory, and professional obligations, including:
 - 5.1. maintaining confidentiality and data protection.

- 5.2. monitoring and maintaining compliance with their obligations under legislative or regulatory frameworks.
- 5.3. monitoring and maintaining compliance with co-existing professional or specialist obligations related to their practice.
- 5.4. meeting their continuing professional development (CPD) requirements.
- 5.5. interacting professionally and courteously with clients, colleagues, and members of the public.
6. Providing information, guidance, and advice only when competent and authorised to do so, and specifically, only when:
 - 6.1. possessing the requisite level of knowledge, skills, or expertise.
 - 6.2. authorised by the parties.
 - 6.3. authorised by the relevant service provider or dispute-resolution context.
 - 6.4. authorised under their level of accreditation.
 - 6.5. holding relevant professional indemnity insurance.
7. Notifying the parties of the complaints and feedback processes available under the AMDRAS and other relevant professional or statutory arrangements.

Appendix 4

DOMAINS: PROFESSIONAL SKILLS, ETHICS AND RESPONSIBILITIES

GUIDELINES

Background to these guidelines

1. Part 5 of the AMDRAS Standards ('Standards') describes the 4 Professional Practice Domains (ie, Professional Knowledge, Professional Skills, Professional Ethics and Responsibilities, and Professional Development).
2. The Standards authorise the AMDRAS Board to issue guidelines. The guidelines in this Appendix 4 relate to the Professional Attributes outlined in clauses 62.2 and 62.3 of the Standards, namely, Professional Skills, and Professional Ethics and Responsibilities.
3. These guidelines are not meant to be exhaustive or definitive. However, Registered Practitioners must adhere to them as far as reasonably practicable. Registered Training Providers and trainers also must take account of them when providing training under the Standards.
4. The Board may amend, add to, delete, or replace any or all of these guidelines.
5. Under clause 85 of the Standards:
 - a) guidelines are binding and must be followed (unless they state otherwise).
 - b) guidelines are to be interpreted so far as possible as being consistent with Parts 1–8 of the Standards; and
 - c) there is no inconsistency merely because a provision in the guidelines is more detailed than the relevant provision in the Standards.
6. Terms defined in the AMDRAS Standards have the same meanings in this Appendix.

Professional Skills Domain

7. Table 1 below specifies the Indicative Levels of Professional Practice for each element of the Professional Attributes within that domain.

Table 1: The Professional Skills Domain: Attributes and Indicative Levels of

Professional Practice

| Professional Attributes | Indicative Levels of Professional Practice |
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| <p>The need to conduct an initial assessment or triage including to determine if the matter is appropriate for an NDR process.</p> | <p>Registered Practitioners (RPs) must ensure that participants are provided with the following:</p> <ul style="list-style-type: none"> (a) a description of the NDR process and the steps involved. (b) information on how to provide feedback or lodge a formal complaint in relation to the practitioner. <p>The initial assessment or intake may be conducted by a person other than the RP. It can take the form of a preliminary conference with the parties and should include:</p> <ul style="list-style-type: none"> (a) assessing what NDR process 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 mediation or an NDR process, including confidentiality, costs and how they are to be paid. (c) identifying who is participating in the process and to what extent participants have authority to make decisions. (d) deciding venue, timing, and other practical issues. |
| <p>Support for self-determination and informed decision-making.</p> | <p>RPs should facilitate a fair process, giving the participants the opportunity to:</p> <ul style="list-style-type: none"> • communicate with each other. • exchange information and seek understanding. • identify, clarify, and explore interests, issues, and underlying needs. • consider their alternatives. • generate and evaluate options. • negotiate with each other. • reach and make their own decisions through both the initial assessment and the process itself. |

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| | <p>RPs should also:</p> <ul style="list-style-type: none"> (a) ensure that participants are advised about the AMDRAS including complaints management guidelines thereunder and how it can be accessed. (b) ensure that participants prepare for the process, including through considering any advice or information that may need to be sought and/or exchanged. (c) where appropriate, refer participants to other sources of information, advice or support that may assist them. (d) inform participants about their roles and those of advisors, support persons, interpreters, and any other attendees. (e) advise participants about how they or the RP can suspend or terminate the process. (f) confirm each participant’s agreement to continue in the process. (g) ensure as far as possible that participants understand the process and substantive matters under consideration. |
| <p>Managing the NDR process.</p> | <p>This covers a number of elements including the following:</p> <ul style="list-style-type: none"> (a) RPs should conduct the process in a manner consistent with the process previously outlined to the participants and allowing variations consistent with the parties’ perceived needs. (b) The NDR process will ordinarily include a joint session of the participants in which they communicate directly with each other to identify, clarify, and explore interests, issues, and underlying needs. The process may also include separate sessions and shuttle negotiations. (c) The process can be conducted online and face-to-face, or a combination of both, as appropriate. (d) An RP may adjourn the process and conduct it over multiple meetings and in different locations. (e) The process may conclude regardless of whether the participants have reached an agreement. (f) An RP may suspend or terminate the |

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| | <p>process if they form the view that it is no longer suitable or productive, for example where:</p> <ul style="list-style-type: none"> (i) a participant is unable or unwilling to participate or continue. (ii) a participant is misusing the process. (iii) a participant is not engaging in good faith, and/or the safety of one or more participants may be at risk. <p>(g) An RP should, where possible, advise of their intention to suspend or terminate the process.</p> <p>(h) If terminating the process, the RP should, where appropriate, encourage the participants to consider alternative procedures for resolving or managing the dispute.</p> |
| <p>Supporting parties to participate in the NDR process.</p> | <p>An RP should ensure that all participants are engaged at an appropriate level commensurate with the context (cultural or otherwise) of the process. The RP should also ensure that participants in the process are engaged in a manner that is relatively equal or fair.</p> |
| <p>Managing risks to fairness, safety, and abuse of process.</p> | <p>An RP must be alert to changing balances of power in NDR processes and manage them accordingly. In addition, an RP must consider the safety and comfort of participants and where necessary take steps, or modify the process, 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, shuttle negotiation processes, communication technology, or other protective arrangements. (d) having a participant’s friend, representative or professional advisor attend any suspending or terminating the process, with appropriate steps to protect the safety of participants. (e) providing participants with information about other services or resources. |
| <p>Meeting their ethical, professional,</p> | <p>RPs must ensure that they understand the</p> |

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| and legal obligations. | regulatory provisions which may affect their or the participants' conduct, or the process employed. See also Table 2, below. |
| Providing information, guidance, and advice as appropriate. | <p>This can include several aspects. One is where an RP uses a process such as advisory or evaluative mediation or conciliation that involves the provision of advice. In such a case, the RP must:</p> <ul style="list-style-type: none"> (a) obtain consent from participants to use the 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, skills, and experience. (ii) hold professional registration, membership, statutory employment, or their equivalent; and (iii) are covered by current professional indemnity insurance or have statutory immunity. (c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination. <p>Where the RP uses reality testing in the process, they must ensure that:</p> <ul style="list-style-type: none"> (a) it does not undermine the self-determination of the parties. (b) is used fairly with and between the parties; and (c) is based upon sound contextual knowledge of the dispute and the parties' role/s in that dispute. |

Professional Ethics and Responsibilities Domain

8. Clause 62.3 of the Standards describes the Professional Ethics and Responsibilities domain. Table 2 below specifies the Indicative Levels of Professional Practice for each element of the Professional Attributes within that domain.

Table 2 – The Professional Ethics and Responsibilities Domain: Attributes and Indicative Levels of Practice

| Professional Attributes | Indicative Levels of Professional Practice |
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| Providing accessible and inclusive services. | (a) RPs should ensure that their services are |

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| | <p>provided in a manner which clearly and accurately describes their areas of practice, expertise, fee structures, and means of referral or provision of services.</p> <p>(b) RPs may use de-identified information about any evaluation of their practice that could help participants to better understand the mediation services they offer.</p> <p>(c) Ensure that participants are advised about the Registered Practitioner’s obligations under AMDRAS and any applicable complaints procedures.</p> |
| <p>Supporting self-determination and informed decision making.</p> | <p>RPs must include this in all aspects of the NDR process, including the initial assessment. See also Table 1.</p> |
| <p>Providing information to the participants about the confidentiality of the process and any obligations to release confidential information in the specific NDR process.</p> | <p>(a) Confidentiality can vary depending upon the context of the dispute and the process employed. It can also be an important aspect of any settlement or agreement reached. This can include contractual, regulatory and referral aspects. RPs must ensure that they are both aware and understand these aspects and must discuss this with the participants as appropriate. See also Table 1.</p> <p>(b) RPs must respect the agreed confidentiality arrangements relating to participants and to information provided during the process, except:</p> <ul style="list-style-type: none"> (i) with the consent of the participant to whom the confidentiality is owed; or (ii) where non-identifying information is required for legitimate research, supervisory or educational purposes; or (iii) when required to do otherwise by law; or (iv) where permitted to do otherwise by ethical guidelines or obligations; or (v) where reasonably considered necessary to prevent an actual or potential threat to human life or |

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| | <p>safety.</p> <ul style="list-style-type: none"> (c) Before holding separate sessions with different participants, an RP must inform participants of the confidentiality which applies to the sessions. (d) With a participant’s consent, an RP may discuss the process, or any proposed agreement, with that participant’s advisors or with third parties. (e) An RP is not required to retain documents relating to a process, although they may do so if they wish, particularly where duty-of-care or duty-to-warn issues are identified. (f) An RP must take care to preserve confidentiality in the storage and disposal of written and electronic notes and records of the process. This includes taking reasonable steps to ensure that administrative staff preserve confidentiality. |
| <p>Facilitating an even-handed, safe, and ethical process in accordance with the Code of Ethics.</p> | <p>See also Table 1 and Appendix 3 to the Standards.</p> <ul style="list-style-type: none"> (a) An RP must conduct the process in a fair, equitable and impartial way, without favouritism or bias in act or omission. (b) An RP must identify and disclose potential grounds of bias or conflict of interest before the process or emerging at any time during the process. (c) An RP must not act in cases involving a conflict of interest without the participants’ informed consent, and then only if, in the RP’s view, the conflict would not impair his or her impartial conduct of the process. (d) An RP must support participants to reach agreements freely, voluntarily, without undue influence, and based on informed consent. (e) An RP must give participants appropriate opportunities to speak to and be heard by one another in the process, and to articulate their interests, issues, and underlying needs. (f) An RP must ensure, so far as practicable, |

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| | <p>that participants have sufficient time and opportunity to access sources of advice or information necessary for their decision-making.</p> <p>(g) An RP 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>(h) An RP who uses reality testing in the process must ensure that it:</p> <ul style="list-style-type: none"> • does not undermine the parties' self-determination. • is used fairly with and between the parties; and • is based on sound contextual knowledge of the dispute and the parties' role/s in that dispute. |
| <p>Representing their services and competence honestly and transparently.</p> | <p>(a) RPs should ensure that their services are represented through promotional and other activities in a manner which clearly and accurately describes their areas of practice, expertise, fee structures, and means of referral to them and/or provision of their services.</p> <p>(b) A RP must obtain agreement from participants about the fees and charges payable and about how those fees and charges are to be apportioned between them. In particular:</p> <p>(i) An RP must not charge fees based on the outcome of a process or calculated in a way that could influence the way the RP conducts the mediation.</p> <p>(ii) If any fees or charges paid in advance exceed fees or charges payable for the process, the RP must return the excess promptly on conclusion or termination of the process.</p> <p>(c) An RP must not guarantee results or outcomes from the proposed process or</p> |

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| | <p>make statements likely to create false expectations about favourable results.</p> |
| <p>Meeting their legal, regulatory, and professional obligations.</p> | <ul style="list-style-type: none"> (a) An RP must provide their professional services only where they have the competence to do so. (b) An RP must not use information obtained in an NDR process for personal gain or advantage. (c) An RP 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. (d) An RP should encourage participants to consider the interests of any vulnerable stakeholders. (e) An RP should encourage participants to obtain other professional support when appropriate but should refrain from recommending the services of particular individuals or firms. (f) An RP may liaise with other relevant professionals with permission from the relevant participant. (g) An RP should extend professional courtesy to other professionals engaged by the participants. (h) An RP should, where possible, engage in professional debriefing, peer consultation, and mentoring of less experienced RPs. (i) An RP must ensure that their insurance cover is appropriate to the legal and regulatory framework in which they are practising. (j) An RP must ensure that their CPD and other obligations under the AMDRAS and other professional affiliations are up to date and accurately represented. |
| <p>Providing guidance and advice only when competent and authorized to do so.</p> | <p>See also Table 1 and Appendix 3. Where an RP uses a process such as advisory or evaluative mediation or conciliation, which involves the provision of advice, the RP must:</p> <ul style="list-style-type: none"> (a) obtain consent from participants to use the process. |

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| | <ul style="list-style-type: none"> (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, skills, and experience. (ii) hold professional registration, membership, statutory employment, or their equivalent. (iii) are covered by professional indemnity insurance or have statutory immunity. (c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination. |
| <p>Providing a feedback and complaints mechanism with the ability to escalate complaints to an independent complaint-handling service.</p> | <ul style="list-style-type: none"> (a) An RP and/or the organisation for which they work must give participants details of the complaints-management system they have in place. (b) The complaints-management system should adhere to the principles inherent in the suggested model policy provided in Appendix 5. |

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