



NMAS REVIEW

proposed modifications mapped
against the current NMAS

Resolution Resources June 2022

National Mediator Accreditation System (NMAS)

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Part I - Introduction	PROPOSED MODIFICATION OR CHANGE	LOCATION
<p>Purpose</p>	<p>All concepts from the NMAS are now embedded and expanded within the draft Code:</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Purpose
<p>The NMAS promotes quality, consistency and accountability of NMAS accredited mediators within the diversity of mediation practice in Australia.</p> <p>It informs participants in mediation (participants) about what they can expect of a NMAS accredited mediator.</p>	<p>Note: embedded and expanded within the draft Code:</p> <p>Purpose</p> <ol style="list-style-type: none"> 1 The Code is a voluntary code that describes the industry benchmarks for providers of non-determinative dispute resolution (NDR) training, accreditation, and services in Australia. 2 The Code restructures the existing National Mediation Accreditation System (NMAS) as a voluntary industry code modelled on the Australian Competition and Consumer Commission (ACCC) Guidelines for developing effective voluntary industry codes of conduct. It includes modifications and changes to the NMAS based on consultation with the community. It also provides options for an expanded application to accommodate a variety of NDR practitioners, including family dispute resolution practitioners, conciliators and the potential for First Nations mediators. 3 In doing so, it defines: <ol style="list-style-type: none"> (1) The professional standards for mediators and specialist dispute resolution practitioners listed on the Register of Nationally Accredited Mediators and Specialist Dispute Resolution Practitioners (National Register) (2) The responsibilities and relationships between the bodies that play a role in overseeing and implementing the Code (3) The relationship between the Code and any co-existing accreditation schemes <p>Benefits</p> <ol style="list-style-type: none"> 4 The benefits of the Code include: <ol style="list-style-type: none"> (1) Ensuring transparency, quality, consistency and accountability across the elements formerly captured under the NMAS (2) Advancing the professional status of accredited mediators and specialist dispute resolution practitioners (3) Promoting public protection and stakeholder confidence, including mechanisms for engagement and feedback (4) Providing a foundation upon which the industry can systematically reflect, plan and take strategic action for the ongoing development and advancement of the field domestically and internationally <p>Recommendation: The NMAS would benefit in having an explicit section that can be outward facing. Code of Ethics or the Practice Attributes within the draft Code is be fit for this purpose. See commentary in the draft code.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Purpose 1,2,3(1)(2)(3) <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Benefits: Pt 4(1)(2)(3)(4) <p>(The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics or <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 4 – Professional Attributes)
<p>Application</p>	<p>'Application' is now referred to as 'Coverage' under the Draft Code.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Coverage
<p>These Standards apply when a person is seeking accreditation in relation to and conducting mediation processes as defined in Section 2 of the <i>Practice Standards</i>.¹ When a</p>	<p>(Note: For clarity:</p> <ul style="list-style-type: none"> ➤ Approval Standards are now defined under Training and Accreditation 	

<p>person practises as a mediator in other contexts, such as hybrid, blended or statutory environments, additional requirements relevant to that context may apply.</p>	<p>Requirements</p> <ul style="list-style-type: none"> ➤ Practice Standards now sit under Professional Practice Standards) <p>Coverage</p> <p>6 The Code applies to:</p> <ol style="list-style-type: none"> (1) Recognised providers of NDR training, accreditation and services, including practitioners accredited under the Code's Training and Accreditation Framework (TAF) (2) Those responsible for overseeing or implementing the Code, including, but not limited to: <ol style="list-style-type: none"> (a) The Mediator Standards Board (MSB) and its members (b) Signatory members of the Code Administration Committee <p>Note: The TAF allows scope for when 'a person practises as a mediator in other contexts, such as hybrid, blended or statutory environments'</p> <p>The Professional Practice Standards</p> <p>The Professional Practice Standards describe the quality of practice expected of accredited practitioners across the four Professional Practice Domains: Professional Knowledge, Professional Skills, Professional Ethics and Responsibilities and Professional Development. Specifically, they articulate the extent to which such expectations might vary depending on the practitioner's level of experience, area of specialisation or context within which they operate. In doing so they acknowledge that practice does not remain static and evolves over time and in response to the environment in which it is embedded.</p> <p>NDR</p> <p>...Where hybrid processes are practised, it includes the non-determinative aspect of the process, including any adaptations required to enable it to function effectively alongside the determinative aspect of the hybrid process.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Coverage 6(1)(2)(a)(b) <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Practice Standards <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Non-determinative Dispute Resolution
<p>Role of mediators in a mediation process</p>	<p>Note: The Practice Standards have been restructured into the Professional Practice Standards and Professional Attributes in the draft Code's training & accreditation framework (TAF) and are also in the Code of Ethics. It includes the role and attributes of an accredited mediator. Expectations of mediators are also set out under the Code of Ethics.</p>	<p>(The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Practice Standards <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics)
<p>A mediator uses the knowledge, skills and ethical principles referred to in Part III Section 10.1 of the NMAS to assist participants to make their own decisions in relation to disputes, conflicts or differences among them.</p>	<p>Note: This is now articulated in the draft Code as expectations and behaviours of accredited mediators on the National Register.</p> <p>What does inclusion on the National Register signify?</p> <p>8 Inclusion on the National Register signifies that the mediator or specialist practitioner accredited under the Code possesses specific professional attributes. These professional attributes fall within the four (4) areas of practice or domains set out below:</p> <ol style="list-style-type: none"> (1) DOMAIN 1 – Professional Knowledge <ol style="list-style-type: none"> (a) Accredited mediators and specialist practitioners draw on a body of knowledge and research to inform their practice. (b) There are seven (7) attributes that fall within the Professional Knowledge Domain <ol style="list-style-type: none"> (i) see Appendix 4 to view the attributes in full 	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code – Requirement 1 > The National Register > What does inclusion on the National Register signify?: Pt 8(1)(a)(b)(i)(2)(a)(b)(i)(3)(a)(b)(i)(c)(i)(4)(a)(b)(i) (ie all of 8)

	<p>(2) DOMAIN 2 – Professional Skills</p> <p>(a) Accredited mediators and specialist practitioners facilitate non-determinative dispute resolution processes designed to promote resolution within a range of contexts. This is where mediators and specialist practitioners put their professional knowledge to work.</p> <p>(b) There are seven (7) attributes that fall within the Professional Skills Domain</p> <p>(i) see Appendix 4 to view these attributes in full</p> <p>(3) DOMAIN 3 – Professional Ethics and Responsibilities</p> <p>(a) Accredited mediators and specialist practitioners engage ethically and professionally with clients and colleagues. In doing so, they foster public and institutional confidence in the field.</p> <p>(b) There are seven (7) attributes that fall within the Professional Ethics and Responsibilities Domain</p> <p>(i) see Appendix 4 to view these attributes in full</p> <p>(c) The Code of Ethics sets out these attributes as a public-facing document and forms part of the complaints handling requirements set out in this Code.</p> <p>(i) see Appendix 3 to view the Code of Ethics</p> <p>(4) DOMAIN 4 – Professional Development</p> <p>(a) Accredited mediators and specialist practitioners are reflective practitioners who value the opportunity to develop their expertise, support the development of others and contribute to the field.</p> <p>(b) There are three (3) attributes that fall within the Professional Development Domain.</p> <p>(i) see appendix 4 to view these attributes in full</p>	
<p>Structure</p>	<p>Note: The NMAS has been restructured to form the Code. The structure is outlined in Objectives of the draft Code.</p>	
<p>The NMAS comprises the following:</p>	<p>Objectives</p> <p>5 The objectives of the Code are:</p> <p>(1) Define the purpose, scope and obligations associated with the National Register,</p> <p>(2) Define the standards expected of mediators and specialist dispute resolution practitioners accredited under the Code</p> <p>(3) Define the training and accreditation requirements for mediators and specialist practitioners accredited under the Code</p> <p>(4) Define the obligations of organisations authorised to provide training and accreditation under the Code</p> <p>(5) Define the mechanism for administering the Code, including:</p> <p>(a) The Code Administration Committee (CAC)</p> <p>(b) Coverage</p> <p>(c) Complaints handling</p> <p>(d) Compliance</p> <p>(e) Consumer awareness</p> <p>(f) Industry awareness</p> <p>(g) Data collection</p> <p>(h) Monitoring</p> <p>(i) Accountability</p> <p>(j) Review</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Introduction to the Code > Objectives of the Code: Pt 5(1)(2)(3)(4)(5)(a-l)(6)(7) ➤ (ie Pts 5-7 inclusive)

	<p>(k) Competition implications (l) Performance indicators (6) Embed a contextualised and intersectional approach to diversity and inclusionⁱⁱ throughout each of the objectives described above – see also Appendix 1 - THE Error! Reference source not found. (7) MSB to add</p> <p>Definitions and abbreviations associated with NMAS are now within the Draft Code.</p>	<p>(The draft Code – ➤ Definitions and Abbreviations)</p>
<ul style="list-style-type: none"> • <i>Approval Standards</i> which specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation 	<p>Note: The Approval Standards have been re-organised into the Draft Code’s Training & Accreditation Framework (TAF) and a Code of Ethics. All information relating to accreditation approval has been inserted into the TAF.</p> <p>Overview To become accredited under the Code, mediators and specialist practitioners must demonstrate the advanced knowledge and skills necessary for professional or highly skilled work. The Code’s Training and Accreditation Framework (TAF) recognises this and strives to assure quality, consistency and transparency by aligning itself with the Australian Qualifications Framework. In doing so, it draws on an established set of principles, policies and explanatory material in relation to:</p> <ul style="list-style-type: none"> • The relative complexity and/or depth of achievement required for professional or highly skilled work and the autonomy required to demonstrate that achievement; • Recognition of prior learning; • Alternative pathways; and • Credit transfer 	<p>The draft Code – ➤ Part 1: The Code - Requirements > The Code Requirement 1 > Training Requirements > Overview</p>
<ul style="list-style-type: none"> • <i>Practice Standards</i> which specify the minimum practice and competency requirements of a NMAS accredited mediator 	<p>Note: The NMAS Practice Standards are the foundation of the Professional Practice Standards within the draft Code. Nothing has been removed and all were used in the NMAS Survey to elicit the Professional Practice Standards. The Professional Practice Standards include four (4) levels of practitioner practice competencies.</p> <p>Professional Practice Standards</p> <p>The Professional Practice Standards describe the quality of practice expected of accredited practitioners across the four Professional Practice Domains: Professional Knowledge, Professional Skills, Professional Ethics and Responsibilities and Professional Development. Specifically, they articulate the extent to which such expectations might vary depending on the practitioner’s level of experience, area of specialisation or context within which they operate. In doing so they acknowledge that practice does not remain static and evolves over time and in response to the environment in which it is embedded.</p> <p>What is the expected standard of practice for those listed on the National Register?</p>	<p>The draft Code – ➤ Definitions and Abbreviations > Professional Practice Standards</p> <p>The draft Code – ➤ Part 1: The Code – Requirement 1 > The National Register > What is the expected standard of practice for those listed on the National Register?: Pt</p>

	<p>9 The National Register recognises that the expression of these Professional Attributes will change in response to experience and the context in which the practitioner operates. As such, practitioners included on the National Register may carry different levels of accreditation based on the extent or area of their expertise.</p> <p>10 The Professional Practice Standards describe the standards typically expected at each stage within the TAF, including the four (4) levels of accreditation:</p> <p>(1) Level 1 (a) Training Graduate</p> <p>(2) Level 2 (a) Associate Practitioner (b) Provisionally Accredited Mediator/Specialist Practitioner</p> <p>(3) Level 3 (a) Accredited Mediator</p> <p>(4) Level (a) Specialist Mediator/Practitioner (b) Advanced Mediator/Practitioner (c) Master Mediator/Practitioner</p> <p>For more information on the Standards expected at each level, see Appendix 5 - Professional Practice Standards</p>	<p>9,10(1)(a)(i)(b)(i)(ii)(c)(i)(d)(i)(ii)(iii) (i.e. 9-10 inclusive)</p>
<ul style="list-style-type: none"> Recognised Mediator Accreditation Bodies (RMABs) which accredit mediators according to the <i>Approval and Practice Standards</i> 	<p>Recognised Mediator Accreditation Body RMAB</p> <p>The MSB member organisation responsible for accrediting mediators and other specified types of NDR practitioners under the Training and Accreditation Framework (TAF) and in accordance with the Code. See also Recognised Accreditation Provider</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Recognised Mediator Accreditation Bodies
<ul style="list-style-type: none"> The <i>Register of Nationally Accredited Mediators</i> (National Register) which is the authoritative list of NMAS accredited mediators 	<p>Register of Nationally Accredited Mediators and Specialist Dispute Resolution Practitioners National Register</p> <p>The authoritative list of practitioners who meet the requirements for inclusion as set out under the Code's Training and Accreditation Framework</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Register of Nationally Accredited Mediators and Specialist Dispute Resolution Practitioners
<ul style="list-style-type: none"> The <i>Mediator Standards Board (MSB)</i>, which oversees the NMAS. Members of the MSB comprise RMABs; professional, government, community and consumer organisations; and education and training providers. 	<p>Mediator Standards Board MSB</p> <p>The MSB's role will depend on the scope of application of the Code.</p> <p>The body responsible for establishing the Code and the founding member of the Code Administration Committee. MSB members include RMABs; professional, government, community and consumer organisations; and education and training providers. All MSB members are signatories to the Code.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Mediator Standards Board
<p>¹ Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:</p>	<p>Notes: See Commentary in The Draft Code and NMAS Review 2020-22 <i>Findings and Recommendations for rationale.</i></p> <p>NDR Non-determinative dispute resolution encompasses processes where parties attempt to reach an amicable resolution to a dispute with the assistance of a</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Non-determinative Dispute Resolution

	<p>third person or persons ('the mediator or specialist practitioner') lacking the authority to impose a solution upon the parties to the dispute. This means it includes forms of Alternative Dispute Resolution (ADR) such as mediation, conciliation and family dispute resolution but excludes determinative forms of ADR such as arbitration. Where hybrid processes are practised, it includes the non-determinative aspect of the process, including any adaptations required to enable it to function effectively alongside the determinative aspect of the hybrid process.</p> <p>This definition is consistent with 'Non-adjudicatory'ⁱⁱⁱ Dispute Resolution as described under the Singapore Convention*</p> <p><i>*Note: The Singapore Convention has adopted the following position in relation to the use of the term 'mediation' to capture Non-adjudicatory Dispute Resolution processes:</i></p> <p><i>9. In practice, proceedings in which the parties are assisted by a third person to settle a dispute are referred to by expressions such as mediation, conciliation, neutral evaluation, mini-trial or similar terms. The Model Law uses the term "mediation" to encompass all such procedures. Practitioners draw distinctions between these expressions in terms of the methods used by the third person (also referred to as third-party neutral) or the degree to which the third person is involved in the process. However, from the viewpoint of the legislator, no differentiation needs to be made between the various procedural methods used by the third person. All these processes share the common characteristic that the role of the third person is limited to assisting the parties to settle the dispute and does not include the power to impose a binding decision on the parties.^{iv}</i></p> <p><i>Singapore Convention – Guide to the Enactment</i></p> <p><i>Notes: See Commentary in The Draft Code and NMA Review 2020-22 Findings and Recommendations for rationale.</i></p> <p>3.2.1 Promotes self-determination</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.2.1 Promotes self-determination</p>
(a) communicate with each other, exchange information and seek understanding	2.4.1 Assists parties to communicate with each other, exchange information and seek understanding	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.1 Assists parties to communicate with each other, exchange information and seek understanding</p>
(b) identify, clarify and explore interests, issues and underlying needs	2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p>
(c) consider their alternatives	2.4.3 Assists parties to consider their alternatives	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.3 Assists parties to consider their alternatives</p>
(d) generate and evaluate options	2.4.4 Assists parties to generate and evaluate options	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas:

		2.4.5 Assists parties to negotiate with each other
(e) negotiate with each other; and	2.4.5 Assists parties to negotiate with each other	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.4.5 Assists parties to negotiate with each other
(f) reach and make their own decisions.	3.2.1 Promotes self-determination 3.2.2 Promotes informed decision-making	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 3.2.1 Promotes self-determination 3.2.2 Promotes informed decision-making

Part II – Approval Standards	PROPOSED MODIFICATION OR CHANGE	LOCATION
<p>1 Application</p>	<p>Note: The Approval and Practice Standards have been restructured into the draft Code’s training & accreditation framework (TAF).</p>	<p>(Training and Accreditation requirements set out in The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code – Requirement 2 > Training Requirements > Section from ‘Overview’ to ‘Complaints about Training’ <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code – Requirement 3 > Accreditation Requirements > Section from ‘Overview’ to ‘Complaints about Accreditation’)
<p>1.1. The <i>Approval Standards</i> apply to any person seeking accreditation (an applicant) and to a mediator who is already accredited under the NMAS.</p>	<p>Overview To become accredited under the Code, mediators and specialist practitioners must demonstrate the advanced knowledge and skills necessary for professional or highly skilled work^v. The Code’s Training and Accreditation Framework (TAF) recognises this and strives to assure quality, consistency and transparency by aligning itself with the Australian Qualifications Framework^{vi}. In doing so, it draws on an established set of principles, policies and explanatory material in relation to:</p> <ul style="list-style-type: none"> • The relative complexity and/or depth of achievement required for professional or highly skilled work and the autonomy required to demonstrate that achievement; • Recognition of prior learning; • Alternative pathways; and • Credit transfer <p>Overview To obtain and maintain accreditation, mediators and specialist practitioners must demonstrate the professional and personal attributes articulated in the Code. The Code’s Training and Accreditation Framework (TAF) recognises that while important for the assurance of quality, consistency and transparency, such requirements sometimes run the risk of:</p> <ul style="list-style-type: none"> • Stifling or obscuring the development and evolution of practice which naturally arises in response to experience and the context in which a practitioner operates, • Being deemed as theoretical or aspirational requirements that are largely ignored. <p>The Code’s accreditation requirements are designed to strike an appropriate balance by providing different levels of accreditation based on the extent of the practitioner’s experience or area of specialist expertise.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code Requirement 2 > Training Requirements > Overview <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code – Requirement 3 > Accreditation Requirements > Overview
<p>1.2. The <i>Approval Standards</i>:</p>		
<p>(a) specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation</p>	<p>As above Note: The draft Code describes this as: Accreditation Requirements Training Requirements</p>	<p>(Training and Accreditation requirements set out in The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code – Requirement 2 > Training Requirements > Section from ‘Overview’ to ‘Complaints about Training’ <p>The draft Code –</p>

		<ul style="list-style-type: none"> ➤ Part 1: The Code – Requirement 3 > Accreditation Requirements > Section from ‘Overview’ to ‘Complaints about Accreditation’)
(b) should be read in conjunction with the Practice Standards (Part III of the NMAS), with which NMAS accredited mediators must also comply.	Note: This becomes redundant under the draft Code. Where sections are to be read together it is indicated in the draft Code and includes cross-referencing to support navigation of the document.	
2 Approval requirements for accreditation	<p>Overview</p> <p>To obtain and maintain accreditation, mediators and specialist practitioners must demonstrate the professional and personal attributes articulated in the Code.</p> <p>The Code’s Training and Accreditation Framework (TAF) recognises that while important for the assurance of quality, consistency and transparency, such requirements sometimes run the risk of:</p> <ul style="list-style-type: none"> • Stifling or obscuring the development and evolution of practice which naturally arises in response to experience and the context in which a practitioner operates, • Being deemed as theoretical or aspirational requirements that are largely ignored. <p>The Code’s accreditation requirements are designed to strike an appropriate balance by providing different levels of accreditation based on the extent of the practitioner’s experience or area of specialist expertise.</p> <p>Note: The draft Code includes new provisions and scope to accommodate for issues raised through consultation. This section has been mapped against the NMAS. To understand the complete picture and see how everything flows, it is recommended that the draft Code’s Training and Accreditation Requirements be read.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code Requirement 3 > Accreditation Requirements > Overview <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 2 > Training Requirements <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Accreditation Requirements
2.1 An applicant must be of good character and possess appropriate personal qualities and experience to conduct a mediation process independently, competently and professionally. An applicant must:	<p>An applicant must satisfy a number hurdle requirements</p> <p>Personal Attributes</p> <p>An applicant must be of good character and possess appropriate personal qualities and experience to conduct a mediation process independently, competently and professionally. An applicant must:</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Initial Application > Provisional Accreditation: Pt 42
(a) provide written references from two members of their community who have known them for more than three years to the effect that they are of good character, or demonstrate that they already satisfy this requirement under another system;	<p>An applicant must:</p> <p>provide written references from two members of their community who have known them for more than three years to the effect that they are of good character, or demonstrate that they already satisfy this requirement under another system;</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(a)
(d) disclose if they have been disqualified from any type of professional practice;	disclose if they have been disqualified from any type of professional practice	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(b)
(e) disclose any criminal conviction;	disclose any criminal conviction;	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement

		3 > Initial Application > Provisional Accreditation: Pt 42(1)(c)
(f) disclose any impairment that could influence their capacity to discharge their obligations in a competent, honest and professional manner;	disclose any impairment that could influence their capacity to discharge their obligations in a competent, honest and professional manner;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(d) (The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.4.3 Represents competence honestly and transparently)
(g) disclose if they have ever been refused NMAS accreditation or accreditation renewal or had their accreditation suspended or cancelled.	disclose if they have ever been refused accreditation or accreditation renewal or had their accreditation suspended or cancelled;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code- Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(e)
(h) comply with the <i>Approval Standards</i> and <i>Practice Standards</i> , with any relevant legislation, professional standards and any other requirements that may be relevant to them;	comply with the Code, with any relevant legislation, professional standards and any other requirements that may be relevant to them;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(f)
(i) pay the MSB registration fee in accordance with their RMAB’s practices;	43 The applicant must: (1) Pay the National Register registration fee in accordance with their RABs practices;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Application for Accreditation > Procedural Requirements: Pt 43
(j) become and remain a member of an RMAB or a member or employee of an organisation with a relevant ethical code or standard and a complaints and disciplinary procedure that can address complaints against mediators;	become and remain: (a) a member of an RAB, (b) a member or employee of a Recognised Service Provider, or (c) member or employee of an equivalent organisation with a relevant ethical code or standard and a complaints and disciplinary procedure that can address complaints against mediators;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(g)(i)(ii)(iii)
(d) acknowledge that an RMAB can disclose information about them to the MSB and the MSB can release it to other RMABs upon request; and	(2) Acknowledge that an RAB (RMAB) can disclose information about them to the CAC, MSB or other Code-related delegate and the CAC, MSB or other Code-related can release it to other RABs (RMABs) upon request;	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Initial Application > Procedural Requirements: Pt 43(2)
(e) be covered by relevant professional indemnity insurance or have statutory immunity.	be covered by professional indemnity insurance commensurate with their level of accreditation under the Code or have statutory immunity.	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Initial Application > Provisional Accreditation: Pt 42(1)(h)
2.2. An applicant must have completed a training programme which at least meets the requirements set out in Section 2.3 and must have met the assessment requirement set out in Section 2.4 within 6 months preceding the formal notification to the applicant of assessment as competent, or, must have fulfilled the alternative training and assessment requirements set out in Section 2.5.	44 Graduates must: (1) Demonstrate the professional attributes to the level of quality described in the Graduate Standard. To do this they must: (2) Hold certification from a Recognised Training Provider stating: (a) They have met the requirements for Part A (Mediator Theory and Practice) (i) Having successfully completed the Part A (Mediator Theory and Practice) course, or	The draft Code – <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code requirements – 3 > Levels and Types of Accreditation > Accreditation Level 1: Pt 44(1)(2)(a)(i)(ii)(b)

	(ii) Via an alternative pathway (b) Fulfill any procedural requirements of the general accreditation requirements	
2.3. The training requires:	18 To accommodate these differences, initial mediator training is organised into two parts, Part A (Mediator Theory and Practice)* and Part B (Mediator Practicum)*. 19 Part A (Mediator Theory and Practice): (1) Is suitable for those: (a) Interested in conflict resolution, mediation and the role of mediators, and/or (b) Seeking accreditation under the Code’s Training and Accreditation Framework	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 1 > Course Requirements > Course Structure: Pts 18, 19((1)(a)(b) inclusive
(a) a training course of a minimum of 38 hours in duration which may be conducted as a single course or in modules over a period of up to 24 months ;	Note: See commentary in the draft Code for reasons for changes including aligning to AQF. Course duration Part A (Mediator Theory and Practice): Must be equivalent in duration to 25 credit points or two subjects offered at an AQF Level 8 by an approved higher education provider (approx. 72 hours teaching hours) May be conducted as a single course or in modules over a period of up to 24 months ; Part B (Mediator Practicum): Must be equivalent in duration to 25 credit points or two subjects offered at an AQF Level 8 by an approved higher education provider (approx. 72 hours teaching hours) May be conducted as a single course or in modules over a period of up to 24 months ; Note: The duration of the Provisional Accreditation period remains 2 years even where Part B (Mediator Practicum) is completed in less than 24 months – see Provisional Accreditation	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements> Course Duration: Pt 21(1)(2), 22(1)(2) (ie Pts 21-22 inclusive)
(b) a training team of at least two trainers in which the principal trainer has more than three years’ experience both as a NMAS accredited mediator and as a trainer;	Course staff experience and qualifications 25 Part A (Mediator Theory and Practice) must be staffed with: (1) A training team: (a) Of at least two trainers in which, the principal trainer has: (i) More than three (3) years of experience as an accredited mediator; and (ii) More than three (3) years of experience and as a trainer (b) Who have completed the feedback and moderated assessment modules as set out in the requirements for Recognised Training Providers	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 1 > Course requirements > Course staff experience and qualifications – Part A: Pt 25(1)(a)(i)(ii)
(c) sufficient coaches for each trainee to be observed performing the role of mediator by different coaches in two simulated mediations each of at least 1.5 hours in duration;	(2) Additional coaches: (b) In sufficient numbers to allow each trainee to be observed performing the role of mediator by different coaches in two simulated mediations, each of at least 1.5 hours in duration;	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course requirements > Course staff experience and qualifications – Part A: Pt 25(2)(b)(c)

	(c) Of which at least half have completed the feedback and moderated assessment modules as set out in the requirements for Recognised Training Providers	
(d) coaches who are accredited as mediators under the NMAS and have at least two years or 50 hours mediation experience and who provide written feedback to the trainees they have observed;	(a) Who have at least two (2) years or 50 hours of experience as an accredited mediator	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course requirements > Course staff experience and qualifications – Part A: Pt 25(2)(a)
(e) each trainee participating in at least nine simulated mediations, in at least three of which they perform the role of mediator;	Part A (Mediator Theory and Practice) will engage trainees in a range of learning experiences and which must include: (1) At least nine simulated mediations, in at least three (3) of which each trainee will perform the role of mediator (a) The trainee performing the role of the mediator will be provided with structured written peer-to-peer feedback for each simulation	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Outcomes and Learning Experiences – Part A: Pt 24(1)
(f) content that includes the knowledge, skills and ethical principles articulated in the Practice Standards.	Ensuring future professional mediators have the advanced knowledge and skills required of mediators accredited under the Code. (2) Covers the Professional Knowledge expected of an accredited mediator as set out in the Graduate Standard of the Code’s Training and Accreditation Framework (3) Provides opportunities for trainees to begin developing the Professional Skills expected of an accredited mediator as set out in the Graduate Standard of Code’s Training and Accreditation Framework	The draft Code – Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Outcomes and Learning Experiences – Part A: Pt 17(2) The draft Code – Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Outcomes and Learning Experiences – Part A: Pt 19(2)(3)
2.4. The assessment requires:	Note: Assessment requirements have been expanded in response to consultation. Please refer to the draft Code for all provisions. Course assessment – Part A Part A (Mediator Theory and Practice) incorporates a range of feedback and assessment within the learning experiences. Each course must include:	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pt 26
(a) an applicant, at a minimum, performing the role of a mediator in a simulated mediation of at least 1.5 hours;	Course assessment – Part A (iii) In the form of a standardised observation of a simulated mediation of at least 1.5 hours, and: (A) The trainee performing the role of a mediator or co-mediator	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pt 26(3)(b)(iii)(A)
(b) an assessor observing a simulation (in real time or digitally or video recorded for later observation) without providing any coaching to the applicant during the simulated mediation;	An assessor observing a simulation (in real-time or digitally or video recorded for later observation) Note: the assessor must not provide any feedback or coaching to the applicant during the simulated mediation	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pt 26(3)(b)(iii)(B)(i)
(c) an assessor who is a NMAS accredited mediator with at least 3 years mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team;	(3) An assessor: (a) MSB to seek advice from expert per above (b) With no conflict of interest with respect to the trainee or applicant	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 1 > Course requirements > Course staff experience and qualifications – Part A: Pt 30(3)(a)(b)(c)(d)

	<p>(c) Who is independent of the training team</p> <p>(d) Who has completed the feedback and moderated assessment modules as set out in the requirements for Recognised Training Providers</p>	
<p>(d) assessment criteria reflecting the knowledge, skills and ethical principles articulated in the Practice Standards;</p>	<p>Course assessment – Part A</p> <p>26 Part A (Mediator Theory and Practice) incorporates a range of feedback and assessment within the learning experiences. Each course must include:</p> <p>(1) Ongoing feedback</p> <p>(a) MSB to engage with assessment and feedback experts to specify the mandatory requirements – this may take the form of references to being in accordance with Code related feedback and assessment training described under the requirements for becoming and RTP. Alternatively, it may include specific provisions written into the Code</p> <p>(2) Formative assessment</p> <p>(a) Standardised observation</p> <p>(i) As part of the nine simulated mediations, in at least three of which trainees perform the role of mediator</p> <p>(A) Peer (similarly knowledgeable other)</p> <p>(i) MSB to develop in consultation with experts see above</p> <p>(B) Coach (more knowledgeable other)</p> <p>(i) MSB to develop in consultation with experts see above</p> <p>(b) Reflective practice</p> <p>(A) MSB to develop in consultation with experts see above</p> <p>(3) Summative assessment</p> <p>(a) Professional Knowledge must be assessed:</p> <p>(i) Against each of the focus areas</p> <p>(ii) Using the quality criteria set out in the Graduate Standard or equivalent quality criteria</p> <p>(iii) In the form of ...</p> <p>(A) MSB to develop in consultation with experts see above</p> <p>(b) Professional Skills</p> <p>(i) Against each of the focus areas</p> <p>(ii) Using the quality criteria set out in the Graduate Standard or equivalent quality criteria</p> <p>Course outcomes and learning experiences – Part A</p> <p>23 Upon completion of Part A (Mediator Theory and Practice) trainees will be able to:</p> <p>(1) Locate and interpret information within the Code, including:</p>	<p>The draft Code –</p> <p>➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pts 26(1)(a)(2)(a)(i)(A)(i)(B)(i)(b)(A)(3)(a)(i)(ii)(iii)(A)(b)(i)(ii)(iii) (i.e. All of Pt 26)</p> <p>The draft Code –</p> <p>➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Outcomes and Learning Experiences – Part A: Pt 23(1)(a)(b)(c)(2)(a)(b) (ie all of 23)</p>

	<p>(a) The role of the Code in governing professional mediators in Australia</p> <p>(b) The Training and Accreditation Framework</p> <p>(c) Professional Practice Standards, including the Code of Ethics</p> <p>(2) Demonstrate:</p> <p>(a) The quality criteria for Professional Knowledge as set out in the Training and Accreditation Framework's Graduate Standard, or equivalent quality criteria</p> <p>(b) The quality criteria for Professional Skills as set out in the Training and Accreditation Framework's Graduate Standard, or equivalent quality criteria</p>	
<p>(e) an applicant being found competent by an assessor using an assessment form documenting the extent to which the applicant has met or has not met the assessment requirements; providing written feedback on the applicant's performance and indicating the assessment outcome;</p>	<p>(ii) Using the quality criteria set out in the Graduate Standard or equivalent quality criteria</p> <p>27 The assessment for Part A (Mediator Theory and Practice) must:</p> <p>(1) Be provided at the commencement of the course, or at least two weeks prior to the due date</p> <p>(2) Be criterion-referenced or standards-referenced as appropriate to the purpose and type of assessment, and explicitly connected to the Professional Attributes and associated focus areas being assessed</p> <p>(a) Note: assessments must NOT be norm-reference i.e. trainees must NOT be assessed using a bell-curve and/or their relative rank within the cohort</p> <p>(3) Follow the principles for feedback and assessment as set out in the MSB's feedback and moderated assessment training*.</p> <p>(4) Specify:</p> <p>(a) The status of the task, e.g., if obtaining a particular grade is a hurdle requirement for the successful completion of the course</p> <p>(b) The options available should a trainee not meet the assessment criteria to the specified level of quality e.g. the number of attempts allowed or options for supplementary assessment</p> <p>(c) How to appeal the outcome of an assessment, including scope and process for remarking</p> <p>*Note: The MSB may consider developing, in consultation with assessment experts, a set of generic assessment tasks or common role plays to be used or adapted by training providers. A note about the availability of common role-plays and assessment can be inserted here.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pts 26(3)(b)(ii) <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pt 27(1)(2)(a)(3)(4)(a)(b)(c) <p>(i.e. All of Pt 27)</p>
<p>(f) in so far as circumstances allow, a copy of the assessment form being supplied to the applicant a reasonable time prior to the conduct of the assessment.</p>	<p>Be provided at the commencement of the course, or at least two weeks prior to the due date</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Course Requirements > Course Assessment – Part A > Final Assessment: Pt 27(1)
<p>2.5. An applicant may alternatively meet the requirements for training and assessment by providing evidence to an RMAB of:</p>	<p>Alternative training and assessment</p> <p>35 The Code requires that recognition of prior learning and alternative pathways are offered in a manner that is consistent with the AQF's</p>	<p>The draft Code –</p>

	<p>Pathways policy. This means that Recognised Training Providers may apply the policy to recognise alternative training and assessment in relation to initial mediator training Part A and/or Part B. The following provides three (3) common scenarios as guidance on how to apply a pathways policy to the Code.</p> <p>36 An applicant may alternatively meet the requirements for training and assessment by providing evidence to an RTP of:</p>	<p>➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 35, 36</p>
(a) Comparable training and assessment	(1) Scenario 1 – Comparable training and assessment having:	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(1)
<ul style="list-style-type: none"> having completed a mediator training course which is at least comparable to the training course described in Section 2.3; and 	(a) Completed a comparable mediator training course ; and	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(1)(a)
<ul style="list-style-type: none"> having been found competent in the assessment as described in Section 2.4. 	(b) Been found competent in a comparable assessment .	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(1)(b)
OR		
(b) Experience, education and assessment	(2) Scenario 2 – Experience, education and assessment having:	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(2)
<ul style="list-style-type: none"> providing evidence to an RMAB of having conducted at least 100 hours of mediation, and otherwise met the continuing accreditation requirements described in Section 3 below within the two years prior to application; and 	(a) Conducted at least 100 hours of mediation , and (b) Otherwise met the continuing accreditation requirements described in the renewal requirements [insert cross-reference] within the two (2) years prior to application ; and	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(2)(a)(b)
<ul style="list-style-type: none"> providing two references attesting to the mediator's competence; and 	(c) Two references attest to the: (i) Applicant's competence with reference to the Professional Attributes; and	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(2)(c)(i)
<ul style="list-style-type: none"> having completed mediator training, supervision or education to the satisfaction of the RMAB; and 	(ii) Applicant having completed comparable training and supervision ; and	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(2)(c)(ii)
<ul style="list-style-type: none"> having been found competent in the assessment as described in Section 2.4. 	(iii) Applicant being found competent in a comparable assessment	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(2)(c)(iii)
OR		
(c) CALD knowledge, experience and assessment	3) Scenario 3 – Diverse knowledges* , experience and assessment having:	The draft Code –

		<ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(3)
<ul style="list-style-type: none"> • providing evidence to an RMAB that the applicant possesses appropriate mediation experience and knowledge of the unique values and traditions within the culturally and linguistically diverse (CALD) community with which the mediator identifies; and 	<p>(a) Mediation experience and knowledge of the unique values and characteristics of the diverse community with which the applicant identifies; and</p> <p>(i) Applicant's competence with reference to the Professional Attributes as appropriate to the given diverse context e.g. the applicant might practice within a specialist context which requires the provision of cultural information or guidance beyond the limits the Code's Graduate standard; and</p> <p>*Note: See also Appendix 1 - The Eight Enablers</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(3)(a)(i)
<ul style="list-style-type: none"> • providing two references attesting to the mediator's competence; and 	<p>(b) Two references that attest to the:</p> <p>(i) Applicant's competence with reference to the Professional Attributes as appropriate to the given diverse context e.g. the applicant might practice within a specialist context which requires the provision of cultural information or guidance beyond the limits the Code's Graduate standard; and</p>	<ul style="list-style-type: none"> ➤ The draft Code – <p>Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(3)(b)(i)</p>
<ul style="list-style-type: none"> • having been found competent in the assessment as described in Section 2.4 	<p>(ii) Applicant being found competent in a comparable assessment which also accounts for the diverse context e.g., the assessment may be in the applicant's preferred language</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 2 > Recognition of Prior Learning and Alternative Pathways > Alternative training and assessment: Pt 36(3)(b)(ii)
2.6. An applicant who meets the requirements of this Standard will be accredited for two years.	Accreditation under the Code's Training and Accreditation Framework lasts for two (2) years, after which the applicant must apply to their RAP for a renewal of accreditation.	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Renewal of Accreditation Requirements: Pt 51</p>
3 Accreditation renewal requirements	Accreditation renewal requirements	
3.1 An accredited mediator (a mediator) seeking renewal of accreditation must satisfy the approval requirements set out in Section 2.1 (except for 2.1(a)) above, and provide evidence to the RMAB that within the two years preceding application for renewal they have been conducting mediations and have engaged in continuing professional development (CPD) as described below.	<p>Accreditation under the Code's Training and Accreditation Framework lasts for two (2) years, after which the applicant must apply to their RAP for a renewal of accreditation. This applicant to:</p> <p>(1) Provide evidence to the RAP (RMAB that they have satisfied the renewal requirements within the two years preceding the application for renewal); or</p> <p>(2) Provide evidence they meet that they:</p> <p>(a) Meet the criteria for adjusted renewal requirements; and</p> <p>(b) That they have satisfied the adjusted renewal requirements within the two years preceding the application for renewal</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Accreditation Renewal Requirements: Pt 51(1)(2)(a)(b)
3.2 A mediator must have conducted at least 25 hours of mediation, co-mediation or conciliation within the two-year cycle .	<p>52 All renewals are subject to a two-year cycle. Each type and level of accreditation contains a practice element and a continuing professional development element as part of their renewal requirements. However, the specific requirements may vary according to the type and level of accreditation being renewed.</p> <p>What is the practice element of the renewal requirements?</p> <p>53 To satisfy the practice element of the renewal requirement:</p> <p>(1) An associate practitioner must:</p> <p>(a) Participate in at least 25 hours of conflict resolution or mediation related practice e.g.:</p> <p>(i) Be a party or support person in a mediation,</p>	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Accreditation Renewal Requirements: Pt 52</p> <p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Accreditation Renewal Requirements: Pt 53(1)(a)(i)(ii)(2)(a)(3)(a)(i)(ii)(iii)(iv)(4)(a)(i) (i.e. all of 53)</p>

	<ul style="list-style-type: none"> (ii) Provide support to an employee to have a difficult conversation (2) An accredited mediator must: <ul style="list-style-type: none"> (a) Conduct at least 25 hours of mediation or co-mediation (3) An advanced mediator or specialist practitioner must: <ul style="list-style-type: none"> (a) Conduct at least 25 hours of mediation, co-mediation or specialised practice within the area of advanced expertise e.g.: <ul style="list-style-type: none"> (i) Mediators offering expert advisory mediation conduct at least 25 hours of mediation related to their area of expertise e.g. construction disputes (ii) Conciliators conduct at least 25 hours of conciliation (iii) FDRPs conduct at least 25 hours of FDR (iv) Specialist practitioners working within a Specialist Provider of Dispute Resolution Services (SPDRS) conduct at least 25 hours of the specialist practice offered by the SPDRS (4) A master mediator or master specialist practitioner must: <ul style="list-style-type: none"> (a) Conduct at least 25 hours of: <ul style="list-style-type: none"> (i) mediation or co-mediation, or specialised practice 	
<p>3.3 A mediator who has not met the requirement in Section 3.2 due to lack of work opportunities, health or career circumstances or residence in non-urban or CALD communities, must have conducted at least 10 hours of mediation, co-mediation or conciliation and must attend such supplementary training, coaching and/or assessment as the RMAB considers necessary, in addition to the CPD required in Section 3.5 below, to address the shortfall</p>	<p>Can the renewal requirements be adjusted?</p> <p>56, A mediator or specialist practitioner who has not met the practice or CPD elements of the renewal requirements:</p> <ul style="list-style-type: none"> (1) Due to contextual or intersectional factors including one or a combination of: <ul style="list-style-type: none"> (a) Lack of work opportunities (b) Health or career circumstances or (c) Residence in non-urban or (d) Other barrier to accessibility or inclusion (2) May negotiate adjusted renewal requirements matched to the mediator or specialist practitioner’s level of accreditation and their specific circumstances. This may include: <ul style="list-style-type: none"> (a) A reduction to 10 hours practice (b) Supplementary training, coaching and/or assessment (c) A variation to the CPD breakdown or hours <p>57 RAPs must collect ongoing de-identified data on adjustments so as to assist the RAP and the CAC identify systemic contextual and intersectional barriers, including:</p> <ul style="list-style-type: none"> (1) The MSB must seek expert guidance on the best approach to collect such data, with the view to working collaboratively with the people most at risk of being negatively impacted by contextual and intersectional factors and organisations such as the Australian Human Rights Commission 	<p>The draft Code – Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Can the renewal requirements be adjusted?: : Pt56 (1)(a-d), 2(a-c) Pt57(1)</p>
<p>3.4 Renewal of accreditation in terms of Section 3.3 cannot be sought or granted for more than three consecutive renewals.</p>	<p>Note: This idea has been removed as it undermines inclusion and accessibility protocols. See Appendix 1 in the draft Code for the Eight Enablers.</p>	
<p>3.5 A mediator must undertake CPD of at least 25 hours that contributes to the knowledge, skills and ethical principles contained in the Practice Standards. This may be made up as follows:</p>	<p>What is the continuing professional development element of the renewal requirements?</p> <p>54 To satisfy the continuing professional development element of the renewal requirement mediators and specialist practitioners must undertake CPD which contributes to the development or maintenance of their Professional Attributes and level or type of accreditation</p> <ul style="list-style-type: none"> (1) A provisionally accredited mediator or specialist practitioner must: <ul style="list-style-type: none"> (a) Participate in at least 25 hours of CPD as set out in Appendix 6 – CPD Hours (2) An associate practitioner must: 	<p>The draft Code – Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal> Accreditation Renewal Requirements: Pt 54(1)(a)3(a)4(a)5(a)</p>

	<p>(a) Participate in at least 25 hours of CPD as set out in Appendix 6 – CPD Hours</p> <p>(3) An accredited mediator must:</p> <p>(a) Participate in at least 25 hours of CPD as set out in Appendix 6 – CPD Hours</p> <p>(4) An advanced mediator or specialist practitioner must:</p> <p>(a) Participate in at least 30 hours of CPD as set out in Appendix 6 – CPD Hours</p> <p>(5) A master mediator or master specialist practitioner must:</p> <p>(a) Participate in at least 30 hours of CPD as set out in Appendix 6 – CPD Hours</p> <p>3.6.4 Meets continuous professional development requirements</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Development > Focus areas: 3.6.4 Meets continuous professional development requirements
(a) Participating in Education (up to 20 hours)	<p>4.2 Engages in professional learning All: 20</p> <p>4.3 Contributes to the field All: 15</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours
This means participating in formal structured activities such as training seminars and workshops (up to 20 hours) or attending conferences (up to 15 hours)	<p>4.2.2 Participates in workshops or other structured learning activities related to mediation ('workshops')</p> <p>4.2.5 Attends conferences related to mediation or other forms of NDR</p> <p>4.3.3 Participates in research related to mediation or other forms of NDR</p> <p>4.3.4 Conducts research into mediation or other forms of NDR</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: 4.2.2 Participates in workshops or other structured learning activities related to mediation ('workshops') 4.2.5 Attends conferences related to mediation or other forms of NDR 4.3.3 Participates in research related to mediation or other forms of NDR 4.3.4 Conducts research into mediation or other forms of NDR
(b) Reflecting on Practice (up to 15 hours)	<p>4.1 Engages in reflective practice All: 15</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours
This means receiving professional supervision or coaching or participating in structured peer-based reflection on mediation cases	<p>4.1.2 Participates in professional supervision with a more knowledgeable or experienced practitioner</p> <p>4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: 4.1.1 Engages in individual self-reflection 4.1.2 Participates in professional supervision with a more knowledgeable or experienced practitioner 4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner
(c) Providing Professional Development (up to 15 hours)	<p>4.3 Contributes to the field All: 15</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours
This means delivering presentations on mediation or related topics, including two hours of preparation time for each hour delivered, or providing professional supervision , assessment, coaching or mentoring of mediator trainees and mediators	<p>4.3.1 Delivers professional presentations or writes articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles')</p> <p>4.3.2 Coaches, mentors or supervises other practitioners</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: 4.3.1 Delivers professional presentations or writes articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles') 4.3.2 Coaches, mentors or supervises other practitioners
(d) Credit for related professional CPD (up to 10 hours)	<p>4.2 Engages in professional learning All: 10</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours

<p>This means hours of CPD completed to maintain professional licensing or accreditation related to their mediation practice, such as in law or in the behavioural or social sciences or in the professional field in which they mediate, such as building or engineering.</p>	<p>4.2.2 Participates in workshops or other structured learning activities related to mediation ('workshops')</p> <p>4.2.3 Participates in workshops or other structured learning activities related to other forms NDR ('workshops')</p> <p>4.2.4 Participates in workshops or other structured learning activities related to another profession, area of expertise or interest ('workshops related to my other area') (e.g. lawyer, psychologist, or other professional disciplines; cultural or psycho-social expertise; interest in the environment or local community)</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: <p>4.2.2 Participates in workshops or other structured learning activities related to mediation ('workshops')</p> <p>4.2.3 Participates in workshops or other structured learning activities related to other forms NDR ('workshops')</p> <p>4.2.4 Participates in workshops or other structured learning activities related to another profession, area of expertise or interest ('workshops related to my other area') (e.g. lawyer, psychologist, or other professional disciplines; cultural or psycho-social expertise; interest in the environment or local community)</p>
<p>(e) Learning from Practice (up to 8 hours)</p>	<p>4.1 Engages in reflective practice Roleplays: 8</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours
<p>This means participating in up to four mediations as a client representative or in a formal learning capacity (up to 2 hours per mediation) or role-playing for trainee mediators and candidates for mediator assessment (up to 2 hours per simulation).</p>	<p>4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner (including roleplays)</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: <p>4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner (including roleplays)</p>
<p>(f) Self-directed Learning (up to 5 hours)</p>	<p>4.2 Engages in professional learning All: 5</p> <p>4.3 Contributes to the field</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Attributes and Max Hours
<p>This means private study such as reading, listening to or viewing pre-recorded content such as podcasts, or writing articles or books relevant to mediation that are published in recognised journals or by recognised publishers.</p>	<p>4.2.6 Engages in self-guided learning (e.g. reads articles, listens to podcasts and other self-directed learning activities) articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles')</p> <p>4.3.1 Delivers professional presentations or writes articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles')</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: <p>4.2.6 Engages in self-guided learning (e.g. reads articles, listens to podcasts and other self-directed learning activities) articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles')</p> <p>4.3.1 Delivers professional presentations or writes articles or other publication types such as blogs, reports, submissions, etc. ('deliver presentations or write articles')</p>
<p>(g) Other (up to 5 hours)</p>	<p>4.2.1 Develops and implements a professional learning plan</p>	<p>The draft Code – Appendix 6 – CPD Hours > Attributes and Max Hours</p>
<p>This means such other activities as may be approved by the MSB on application by an RMAB.</p>	<p>Note: Other categories have now been included in focus areas such as conducting and participating in research. See The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 6 – CPD Hours > Focus Areas: 	
<p>3.6 A mediator who does not meet in full the requirements set out in Section 3.5 due to health or career circumstances or residence in non-urban or CALD communities, must undertake sufficient supplementary CPD to meet the requirements before renewal of accreditation can be granted.</p>	<p>Can the renewal requirements be adjusted?</p> <p>56 A mediator or specialist practitioner who has not met the practice or CPD elements of the renewal requirements:</p> <p>(1) Due to contextual or intersectional factors including one or a combination of:</p> <p>(a) Lack of work opportunities</p> <p>(b) Health or career circumstances or</p> <p>(c) Residence in non-urban or</p> <p>(d) Other barrier to accessibility or inclusion</p> <p>(2) May negotiate adjusted renewal requirements matched to the mediator or specialist practitioner's level of accreditation and their specific circumstances. This may include:</p> <p>(a) A reduction to 10 hours practice</p> <p>(b) Supplementary training, coaching and/or assessment</p>	<p>The draft Code – Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Can the renewal requirements be adjusted?: : P56 (1)(a-d), 2(a-c) Pt57(1)</p>

	<p>(c) A variation to the CPD breakdown or hours</p> <p># RAPs must collect ongoing de-identified data on adjustments so as to assist the RAP and the CAC identify systemic contextual and intersectional barriers, including:</p> <p>(1) The MSB must seek expert guidance on the best approach to collect such data, with the view to working collaboratively with the people most at risk of being negatively impacted by contextual and intersectional factors and organisations such as the Australian Human Rights Commission</p>	
<p>3.7 A mediator must pay to the relevant RMAB the MSB registration fee at the time of accreditation renewal (unless the RMAB pays that fee to the MSB on their behalf).</p>	<p>58 A mediator or specialist practitioner must pay to the relevant RAP (RMAB) the National Register registration fee at the time of accreditation renewal (unless the RAP or Recognised Service Provider pays that fee to the MSB on their behalf).</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Procedural requirements: Pt 58
<p>3.8 A mediator must meet these requirements within two months of the due date for renewal of accreditation or their accreditation automatically lapses.</p>	<p>59 A mediator or specialist practitioner must meet these requirements within two months of the due date for renewal of accreditation or their accreditation automatically lapses.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal > Procedural requirements: Pt 59
<p>3.9 CPD hours relied upon for any one renewal of accreditation must not be used for any subsequent renewal of accreditation</p>	<p>55 Continuing professional development hours relied upon for any one renewal of accreditation must not be used for any subsequent renewal of accreditation.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Renewal> What is the continuing professional development element of the renewal requirements?: Pt 55

<p>4 Leave of absence</p>	<p>Leave of absence</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Leave of Absence
<p>4.1 A mediator seeking leave of absence on the basis of health, career or other special circumstances must provide evidence to their accrediting RMAB of the circumstances upon which, and the period for which, leave is being sought. The RMAB may grant or refuse the request, or grant it subject to conditions, having regard to the circumstances.</p>	<p>61 A mediator or specialist practitioner seeking leave of absence on the basis of health, career or other special circumstances must provide evidence to their accrediting RAP (RMAB) of the circumstances upon which, and the period for which, leave is being sought. The RAP (RMAB) may grant or refuse the request, or grant it subject to conditions, having regard to the circumstances.</p>	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Leave of Absence: Pt 61</p>
<p>4.2 Where leave of absence is granted for a period of 12 months or less, the RMAB must remove the mediator’s name from the National Register for the period of leave and extend the due date for renewal of that mediator’s accreditation by an amount equivalent to the period of leave.</p>	<p>62 Where leave of absence is granted for a period of 12 months or less, the RAP (RMAB) must remove the mediator’s name from the National Register for the period of leave and extend the due date for renewal of that mediator’s accreditation by an amount equivalent to the period of leave.</p> <p>(4.2 Where leave of absence is granted for a period of 12 months or less, the RMAB must remove the mediator’s name from the National Register for the period of leave and extend the due date for renewal of that mediator’s accreditation by an amount equivalent to the period of leave. (requested by MSB 3/12/2021) – need to check this...)</p>	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Leave of Absence: Pt 62</p>
<p>4.3 Where leave of absence is granted for a period greater than 12 months, the RMAB must remove the mediator’s name from the National Register and that mediator must comply with the requirements of Section 6 below in order to have their accreditation re-instated.</p>	<p>63 Where leave of absence is granted for a period greater than 12 months, the RAP (RMAB) must remove the mediator’s name from the National Register and that mediator must apply for re-instatement of their accreditation.</p>	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Leave of Absence: Pt 63</p>
<p>4.4 An RMAB must not grant a period of leave of absence that commences more than two months prior to the day upon which an application for leave of absence is made.</p>	<p>64 An RAP (RMAB) must not grant a period of leave of absence that commences more than two months prior to the day upon which an application for leave of absence is made.</p>	<p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Leave of Absence: Pt 64</p>
<p>5 Suspension</p>	<p>Suspension or Cancellation</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Suspension or Cancellation
<p>5.1 Where a mediator is significantly non-compliant with the <i>Approval and Practice Standards</i> an RMAB may, subject to the requirements of procedural fairness, suspend the mediator’s accreditation and, having regard to the circumstances, specify any conditions that must be met by that mediator prior to seeking re-instatement of accreditation.</p>	<p>65 Where a mediator is significantly non-compliant with their obligations under the Code, an RAP (RMAB) may, subject to the requirements of procedural fairness:</p> <p>(1) Suspend the mediator or specialist practitioner’s accreditation and having regard to the circumstances, specify any conditions that must be met by that mediator or specialist practitioner prior to seeking re- instatement of accreditation.</p> <p>(2) Cancel the mediator or specialist practitioner’s accreditation</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Suspension or Cancellation: Pt 65(1)(2)
<p>5.2 An RMAB must, without delay, notify the MSB of the details of a mediator whose accreditation it has suspended and remove that mediator’s name from the National Register.</p>	<p>66 Where and RAP suspends or cancels a mediator or specialist practitioner’s accreditation they must, without delay:</p> <p>(1) Remove that mediator or specialist practitioners name from the National Register</p> <p>(2) Notify the Code Administration Committee (CAC) (or delegate) of the details of a mediator or specialist practitioner whose accreditation it has suspended or cancelled</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Suspension or Cancellation: Pt 66(1)(2)
<p>5.3 The MSB may on request disclose information received under Section 5.2 to another RMAB.</p>	<p>67 The CAC (or delegate) may on request, disclose information received under another RAP (RMAB).</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Suspension or Cancellation: Pt 67

<p>6 Re-instatement of accreditation</p>	<p>Re-instatement of accreditation</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation
<p>6.1 An applicant seeking re-instatement after a period of leave of absence or lapsed or suspended accreditation, must:</p>	<p>68 An applicant seeking re-instatement must:</p> <p>Where the applicant seeks reinstatement after</p> <p>(1) A leave of absence they must:</p> <p>(a) Provide evidence to the RAP (RMAB) that:</p> <p>(i) They meet the accreditation requirements, and</p> <p>(ii) Any conditions imposed at the grant of a period of leave of absence have been met prior to seeking re-instatement</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: <p>The draft Code –</p> <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 69(1)(a)(i)</p>
<p>(a) disclose the date from which they were first granted accreditation under the NMAS and specify the period of leave of absence or the date upon which their accreditation lapsed or was suspended;</p>	<p>(1) Disclose the date from which they were first granted accreditation under the Code (NMAS), and specify the:</p> <p>(a) Period of leave of absence or</p> <p>(b) Date upon which their accreditation lapsed or</p> <p>(c) Date upon which their accreditation was suspended</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 68(1)(a-c)
<p>(b) meet the approval requirements set out in Sections 2.1 above;</p>		<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 69(1)(a)(i)
<p>(c) provide evidence to an RMAB that they have met the accreditation renewal requirements described in Section 3 above in the two years immediately prior to seeking re-instatement;</p>	<p>(2) Their accreditation has lapsed they must:</p> <p>(a) Provide evidence to an RAP (RMAB) that they have met the accreditation renewal requirements in the two years immediately prior to seeking re-instatement</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 69(2)(a)
<p>(d) where the practice requirement in Section 3.2 or Section 3.3 has not been met, undertake supplementary practical training, coaching and/or assessment, as approved by the RMAB, to address the shortfall;</p>	<p>69</p> <p>(b) Where the practice requirement of the renewal requirements has not been met, undertake supplementary practical training, coaching and/or assessment, as approved by the RAP (RMAB), to address the shortfall</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 69(1)(b)
<p>(e) provide evidence to the RMAB that any conditions imposed at the time of suspension or grant of a period of leave of absence have been met prior to seeking re-instatement.</p>	<p>(3) Their accreditation was suspended they must:</p> <p>(a) Provide evidence to the RAP (RMAB) that any conditions imposed at the time of suspension have been met prior to seeking re-instatement</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 69(3)(a)
<p>6.2 Accreditation will be re-instated from the date upon which the relevant RMAB assesses the applicant as having satisfied the requirements of Section 6.1.</p>	<p>70 Accreditation will be re-instated from the date upon which the relevant RAP (RMAB) assesses the applicant as having satisfied the requirements</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 70
<p>6.3 Re-instatement of accreditation in terms of Section 6.2 cannot be granted more than once in every four years.</p>	<p>71 Re-instatement of accreditation cannot be granted more than once in every four years.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Re-instatement of Accreditation: Pt 71
<p>7 Waiver by MSB</p>	<p>Waiver of Accreditation Requirements</p>	<ul style="list-style-type: none"> ➤ The draft Code – <p>Part 1: The Code - Requirements > The Code - Requirement 3 > Waiver of Accreditation Requirements</p>
<p>7.1. In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the Approval Standards on application by an RMAB</p>	<p>In exceptional circumstances the Code Administration Committee or their delegate may, conditionally or otherwise, waive compliance with any provision of the Code’s Accreditation Requirements on application by a Recognised Accreditation Provider.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 3 > Waiver of Accreditation Requirements: Pt 72

Part III – Practice Standards	PROPOSED MODIFICATION OR CHANGE	LOCATION
<p>1 Application</p>		
<p>1.1 The <i>Practice Standards</i> apply to NMAS accredited mediators.</p>	<p>The Professional <i>Practice Standards</i> describe the quality of practice expected of accredited practitioners across the four Professional Practice Domains: Professional Knowledge, Professional Skills, Professional Ethics and Responsibilities and Professional Development. Specifically, they articulate the extent to which such expectations might vary depending on the practitioner’s level of experience, area of specialisation or context within which they operate. In doing so they acknowledge that practice does not remain static and evolves over time and in response to the environment in which it is embedded.</p> <p>(The Practice Standards in the NMAS are the foundation of the Professional Practice Standards in the draft Code). Nothing has been removed and all were used in the NMAS Survey to elicit the Professional Practice Standards for different levels of accreditation under the TAF).</p> <p>The Approval and Practice Standards have been re-organised/restructured into the Professional Practice Standards and the Training & Accreditation Framework.</p>	<p>Defined in The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Practice Standards <p>Organised in The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards
<p>1.2 The <i>Practice Standards</i>:</p>		
<p>(a) specify the minimum practice and competency requirements of a NMAS accredited mediator;</p>	<p>Professional Practice Domains</p> <ol style="list-style-type: none"> 1. Professional Knowledge 2. Professional Skills 3. Professional Ethics and Responsibilities 4. Professional Development <p>They include the minimum level required for accreditation and the variety of levels for practitioners who sit within the Training & Accreditation Framework.</p> <p>The Professional Attributes sit within the Professional Domains.</p> <p>Professional Attributes</p> <p>The Professional Attributes articulate the values of the non-determinative dispute resolution profession, including the knowledge, skills and behaviours that individuals, the community and society can reasonably expect from those carrying NMAS accreditation. The Professional Attributes permeate the practice of all NMAS practitioners irrespective of their level of experience, area of specialisation or context within in which they operate.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Practice Domains <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Attributes
<p>(a) inform participants and others about what they can expect of the mediation process and of a NMAS accredited mediator; and</p>	<p>Recommendation: Make explicit the outward facing document.</p> <p>The Professional Standards and Professional Attributes and the Code of Ethics under the Code lays out clear expectations of how accredited mediators commit to behave. See commentary in draft Code.</p> <p>Professional Practice Standards</p> <p>The Professional Practice Standards describe the quality of practice expected of practitioners accredited under the Code, depending on their level of experience, area of specialisation or context within which they operate.</p> <p>Professional Attributes</p> <p>The Professional Attributes articulate the values of the NDR profession, including the knowledge, skills and behaviours that individuals, the community and society can reasonably expect from those carrying accreditation under the Code. The Professional Attributes permeate the practice of all</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Practice Standards <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Attributes

	<p>accredited practitioners irrespective of their level of experience, area of specialisation or context within in which they operate.</p> <p>Code of Ethics Accredited practitioners value the trust placed in them to help people manage differences, negotiate difficult situations, and resolve their disputes. As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics
<p>(b) should be read in conjunction with the <i>Approval Standards</i> (Part II of the NMAS), with which a NMAS accredited mediator must also comply.</p>	<p>Note: This becomes redundant under the draft Code. Where sections are to be read together it is indicated in the draft Code and includes cross-referencing to support navigation of the document.</p>	
<p>1.3 Where a mediator practises under a legislative framework and there is a conflict between a provision of the Practice Standards and a provision of that framework, the legislative framework will override the Practice Standards to the extent of any inconsistency.</p>	<p>5 Meeting their legal, regulatory and professional obligations, including:</p> <p>b. Monitoring and maintaining compliance with their obligations under any legislative or regulatory frameworks</p> <p>3.6.2 Meets obligations under legislative or regulatory frameworks</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 5a. <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: 3.6.2 Meets obligations under legislative or regulatory frameworks 3.6.3 Meets other professional or specialist obligations
<p>1 The mediation process</p>		
<p>1.1 A mediator uses the knowledge, skills and ethical principles referred to in Part III Section 10.1 of the NMAS to assist participants to make their own decisions in relation to disputes, conflicts or differences among them.</p>	<p>The NMAS Practice Standards are the foundation of the Professional Practice Standards and the Code of Ethics in the draft Code. Nothing has been removed and all were used in the NMAS Survey to elicit the Professional Practice Standards for accreditation at different levels in the TAF. The concepts in 10.1 have become focus areas under the Professional Practice Domains.</p> <ol style="list-style-type: none"> 1. Professional Knowledge 2. Professional Skills 3. Professional Ethics and Responsibilities 4. Professional Development <p>Professional Practice Standards The Professional Practice Standards describe the quality of practice expected practitioners accredited under the Code, depending on their level of experience, area of specialisation or context within which they operate. In doing so it acknowledges that practice does not remain static and evolves over time and in response to the environment in which it is embedded.</p> <p>Professional Practice Domains 1. PROFESSIONAL KNOWLEDGE Mediators and specialist practitioners accredited under the Code draw on a body of knowledge and research to inform their practice. The professional knowledge domain is comprised of seven (7) attributes. This means the public can feel confident that an NMAS accredited mediator:</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations: Professional Practice Standards: Domains and Attributes <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 4 – Professional Attributes > 1. Professional Knowledge

	<ol style="list-style-type: none"> 1.1. Understands conflict and the way people behave when they are in it 1.2. Understands the factors that play a role in conflict and dispute resolution 1.3. Knows the principles and models for mediation and the roles or functions of the people involved 1.4. Knows a range of strategies or techniques for resolving conflict and when to use them 1.5. Understands the requirement for fairness, safety and protecting against misuse of the process 1.6. Understands the ethical, professional and legal obligations of a mediator 1.7. (NEW) Understands the scope and types of guidance or advice offered by mediators <p>2. PROFESSIONAL SKILLS Mediators and specialist practitioners accredited under the Code facilitate non-determinative dispute resolution processes designed to promote resolution within a range of contexts. This is where mediators put their professional knowledge to work. The professional skills domain is comprised of seven (7) attributes. This means the public can feel confident that an NMAS accredited mediator:</p> <ol style="list-style-type: none"> 2.1. Conducts an initial assessment or triage 2.2. Supports self-determination and informed decision making 2.3. Manages the mediation process 2.4. Supports parties to participate in the process 2.5. Manages risks to fairness, safety, or abuse of the process 2.6. Meets their ethical, professional and legal obligations 2.7. (NEW) Provides information, guidance and advice as appropriate to the process <p>3. PROFESSIONAL ETHICS & RESPONSIBILITIES Mediators and specialist practitioners accredited under the Code engage ethically and professionally with clients and colleagues. In doing so, they foster public and institutional trust in the field. The professional ethics and responsibilities domain is comprised of seven (7) attributes. This means the public can feel confident that an accredited mediator:</p> <ol style="list-style-type: none"> 3.1. Provides accessible and inclusive services 3.2. Promotes self-determination and informed decision making 3.3. Facilitates an even-handed, safe and ethical process 3.4. Represents their services and competence honestly and transparently 3.5. Meets their legal, regulatory and professional obligations 3.6. (New) Provides guidance and advice only when competent and authorised to do so 3.7. Provides a feedback and complaints mechanism <p>4. PROFESSIONAL DEVELOPMENT Mediators and specialist practitioners accredited under the Code are reflective practitioners who value the opportunity to develop their expertise, support the development of others and contribute to the field. The professional development domain is comprised of three (3) attributes. This means the public can feel confident that an accredited mediator:</p> <ol style="list-style-type: none"> 4.1. Engages in reflective practice 4.2. Engages in professional learning 4.3. Contributes to the field 	
<p>1.2 Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:</p>	<p>PROFESSIONAL SKILLS Mediators and specialist practitioners accredited under the Code facilitate non-determinative dispute resolution processes designed to promote resolution within a range of contexts. This is where mediators put their professional knowledge to work. The professional skills domain is comprised of seven (7) attributes. This means the public can feel confident that an NMAS accredited mediator:</p> <ul style="list-style-type: none"> • Conducts an initial assessment or triage • Supports self-determination and informed decision making • Manages the mediation process • Supports parties to participate in the process 	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 4 – Professional Attributes > 2. Professional Skills

	<ul style="list-style-type: none"> Manages risks to fairness, safety, or abuse of the process Meets their ethical, professional and legal obligations (NEW) Provides information, guidance and advice as appropriate to the process <p>3.2.1 Promotes self-determination</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.2.1 Promotes self-determination</p>
(a) communicate with each other, exchange information and seek understanding	2.4.1 Assists parties to communicate with each other, exchange information and seek understanding	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.1 Assists parties to communicate with each other, exchange information and seek understanding</p>
(b) identify, clarify and explore interests, issues and underlying needs	2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p>
(c) consider their alternatives	2.4.3 Assists parties to consider their alternatives	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.3 Assists parties to consider their alternatives</p>
(d) generate and evaluate options	2.4.4 Assists parties to generate and evaluate options	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.4 Assists parties to generate and evaluate options</p>
(e) negotiate with each other; and	2.4.5 Assists parties to negotiate with each other	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.5 Assists parties to negotiate with each other</p>
(f) reach and make their own decisions.	<p>3.2.1 Promotes self-determination</p> <p>3.2.2 Promotes informed decision-making</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>3.2.1 Promotes self-determination</p> <p>3.2.2 Promotes informed decision-making</p>
A mediator does not evaluate or advise on the merits of, or determine the outcome of, disputes. ²	<p>Mediation is a non-determinative process.</p> <p>However, Through consultation (NMA Review Survey), it was revealed that all types of practitioners give information, guidance or advice to some degree. This has become a new recommended inclusion to reflect how practice has evolved. These have become new Focus areas under the Professional Practice Standards in the draft Code. See next column for examples. See the draft Code for further commentary.</p> <p>3.7 Provides information, guidance and advice only when competent and authorised to do so</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> Appendix 4 – Professional Attributes > <p>3.7 Provides information, guidance and advice only when competent and authorised to do so</p>

		<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.7.6 Understands the scope and types of information, guidance or advice about the merits of a claim or case ('merits')</p> <p>1.7.4 Understands the scope and types of information, guidance or advice on the associated regulatory framework, law or code ('regulatory')</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.7.6 Provides information, guidance or advice about the merits of a claim or case</p> <p>2.7.5 Provides information, guidance or advice about outcomes observed in similar claims or cases</p> <p>2.7.2 Provides information, guidance or advice about options for resolution</p>
3. Conducting mediation: Preliminary conference or intake	2.1 Conducts an initial assessment or triage (or someone conducts it on their behalf)	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Professional Attribute: 2.1 Conducts an initial assessment or triage (or someone conducts it on their behalf)
3.1 In the preliminary conference or intake the mediator must ensure that participants are provided with the following:	2.1.4 Establishes a plan for mediation	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.2 Knows the mediation process</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.4 Establishes a plan for mediation</p>
(a) a description of mediation and the steps involved including the use of joint sessions, separate sessions and shuttle negotiations;	2.2.1 Assists parties understand what to expect from the process and the roles of the people involved 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.2 Knows the mediation process</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p> <p>2.2.3 Ensures consent is informed</p> <p>2.2.4 Assists parties to adopt a resolution mindset</p> <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>
(b) information on how to provide feedback or lodge a formal complaint in relation to the mediator.	3.5.2 Provides a mechanism for making complaints about mediator practice	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.5.1 Provides a mechanism for obtaining feedback on mediator practice</p> <p>3.5.2 Provides a mechanism for making complaints about mediator practice</p>
² For a mediator using a blended	Note: In consultation (NMAS Review Survey), it was discovered that all types of practitioners give information, guidance or advice to some degree. This has become a new recommended inclusion to	

<p>process, which may involve the provision of advice see Section 10.2 of the Practice Standards.</p>	<p>reflect how practice has evolved. These have become new Focus areas under the Professional Practice Standards.</p> <p>2.7 Provides information, guidance or advice as appropriate to the process 3.7 Provides information, guidance and advice only when competent and authorised to do so</p>	<p>The draft Code – Appendix 4 – Professional Attributes: 1.7 Understands the scope and types of information, guidance or advice offered by mediators 2.7 Provides information, guidance or advice as appropriate to the process 3.7 Provides information, guidance and advice only when competent and authorised to do so</p>
<p>The preliminary conference or intake may be conducted by a person other than the mediator.</p>	<p>2.1 Conducts an initial assessment or triage (or someone conducts it on their behalf)</p>	<p>The draft Code – Appendix 4 – Professional Attributes: 2.1 Conducts an initial assessment or triage (or someone conducts it on their behalf)</p>
<p>3.2 The preliminary conference or intake includes:</p>		
<p>(a) assessing whether mediation is suitable and whether variations are required (for example, using an interpreter or a co-mediation model in culturally and linguistically diverse communities or introducing safeguards where violence is an issue).</p>	<p>1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 2.1.1 Assesses the suitability of the matter for mediation generally 2.1.3 Assesses if parties need advice and support from other services 2.2.2 Identifies and implements adaptations to accommodate diverse needs 3.1.1 Provides an accessible and inclusive triage process</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.1 Assesses the suitability of the matter for mediation generally 2.1.3 Assesses if parties need advice and support from other services 2.2.2 Identifies and implements adaptations to accommodate diverse needs The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.1.1 Provides an accessible and inclusive triage process</p>
<p>(b) explaining to participants the nature and content of any agreement or requirement to enter into mediation including confidentiality, costs and how they are to be paid.</p>	<p>3.4 Represents their services and competence honestly and transparently 2.2.3 Ensures consent is informed 3.4.2 Represents fees and charges honestly and transparently</p>	<p>The draft Code – Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > 3.4 Represents their services and competence honestly and transparently The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.4.2 Represents fees and charges honestly and transparently</p>
<p>(c) identifying who is participating in the mediation and to what extent participants have authority to make decisions.</p>	<p>1.3.4 Knows the role of the parties, including the authority to make decisions. 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved, including voluntariness and the authority to make decisions within the context of the given dispute resolution context.</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 1.3.3 Knows the role of the mediator 1.3.4 Knows the role of the parties 1.3.5 Knows the role of support persons, lawyers and other professionals The draft Code –</p>

		<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.4 Establishes a plan for mediation 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved 2.2.3 Ensures consent is informed
(d) advising participants about the NMAS and how it can be accessed.	<p>Note: Currently it is not clear which section of the NMAS is public facing. Consider using Code of Ethics or Professional Practice Attributes for the public. See commentary in draft Code.</p> <p>Accredited practitioners value the trust placed in them to help people manage differences, negotiate difficult situations, and resolve their disputes. As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:</p> <p>2.2.3 Ensures consent is informed</p> <p>The Code of Ethics sets out these attributes as a public-facing document and forms part of the complaints handling requirements set out in this Code.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: para 1&2 <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.2.2 Promotes informed decision-making <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 1 > The National Register > What does inclusion on the national register Signify?: Pt 8(3)(c)
(e) assisting participants to prepare for the mediation meeting including consideration of any advice or information that may need to be sought and/or exchanged.	<p>2.1.3 Assesses if parties need advice and support from other services</p> <p>2.1.4 Establishes a plan for mediation</p> <p>2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p> <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.3 Assesses if parties need advice and support from other services 2.1.4 Establishes a plan for mediation 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached 2.7.7 Provides information, guidance or advice on the cultural, psychological or social context
(f) referring participants, where appropriate, to other sources of information, advice or support that may assist them.	<p>2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter</p> <p>2.1.3 Assesses if parties need advice and support from other services</p> <p>2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p> <p>2.2.3 Ensures consent is informed</p> <p>2.7.7 Provides information, guidance or advice on the cultural, psychological or social context</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter 2.1.3 Assesses if parties need advice and support from other services 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved 2.2.3 Ensures consent is informed 2.7.7 Provides information, guidance or advice on the cultural, psychological or social context
(g) informing participants about their roles and	<p>2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas:

<p>those of advisors, support persons, interpreters and any other attendees.</p>		<p>1.3.5 Knows the role of support persons, lawyers and other professionals The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.3 Assesses if parties need advice and support from other services 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved 2.2.2 Identifies and implements adaptations to accommodate diverse needs The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.1.1 Provides an accessible and inclusive triage process</p>
<p>(h) advising participants about how they or the mediator can suspend or terminate the mediation.</p>	<p>1.5.2 Understands the requirement for managing power and safety, including suspending and terminating the process 2.3.1 Facilitates the selected process, including suspending or terminating if required</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.5.2 Understands the requirement for managing power and safety, including suspending and terminating the process. The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.1 Facilitates the selected process, including suspending or terminating if required 2.5.4 Manages safety of participants or vulnerable stakeholders</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.2.2 Promotes informed decision-making</p>
<p>(i) confirming each participant’s agreement to continue in the mediation.</p>	<p>2.2.3 Ensures consent is informed</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.2.3 Ensures consent is informed</p>
<p>(j) deciding venue, timing and other practical issues.</p>	<p>2.1.4 Establishes a plan for mediation</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.4 Establishes a plan for mediation The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.1.1 Ensures practice is accessible and inclusive</p>
<p>4. Conducting mediation: The mediation meeting</p>	<p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.2 Knows the mediation process The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p>
<p>4.1 The mediation meeting will ordinarily include a</p>	<p>2.3.1 Facilitates the selected process, including suspending or terminating if required 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas:

<p>joint session of the participants in which the participants communicate directly with each other to identify, clarify and explore interests, issues and underlying needs. The mediation meeting may also include separate sessions and shuttle negotiations.</p>	<p>2.4.5 Assists parties to negotiate with each other</p>	<p>areas: 2.3.1 Facilitates the selected process, including suspending or terminating if required 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs 2.4.5 Assists parties to negotiate with each other</p>
<p>4.2 A mediator may adjourn the mediation meeting and conduct the mediation over multiple meetings and in different locations.</p>	<p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.1 Facilitates the selected process, including suspending or terminating if required 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>
<p>4.3 The mediation meeting may conclude whether or not the participants have reached an agreement.</p>	<p>2.3.1 Facilitates the selected process, including suspending or terminating if required 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>
<p>5. Conducting mediation: Suspending or terminating</p>	<p>2.3 Manages the process</p>	<p>The draft Code – ➤ Appendix 4 – Professional Attributes > Professional Knowledge: 2.3 Manages the process</p>
<p>5.1 A mediator may suspend or terminate the mediation if they form the view that mediation is no longer suitable or productive, for example where:</p>	<p>1.5.2 Understands the requirement for managing power and safety (including managing power and safety as an inherent requirement in facilitative mediation and cite examples that would require the mediator to refuse to commence, to suspend and/or to terminate the process.) 1.5.3 Understands the requirement for protecting against the misuse or abuse of the process 2.1.1 Assesses the suitability of the matter for mediation generally 2.3.1 Facilitates the selected process, including suspending or terminating if required</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.4 Knows the role of the parties 1.5.2 Understands the requirement for managing power and safety 1.5.3 Understands the requirement for protecting against the misuse or abuse of the process The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 2.1.1 Assesses the suitability of the matter for mediation generally 2.3.1 Facilitates the selected process, including suspending or terminating if required</p>
<p>(a) a participant is unable or unwilling to participate or continue in the mediation</p>	<p>2.3.3 Manages impasse</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.5.2 Understands the requirement for managing power and safety (including managing power and safety as an inherent requirement in facilitative mediation and cite examples that would require the mediator to refuse to commence, to suspend and/or to terminate the process.) The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.3 Manages impasse</p>

		2.5.5 Navigates misuse or abuse of process, including participating in bad faith 2.5.4 Manages safety of participants or vulnerable stakeholders
(b) a participant is misusing the mediation	2.5.5 Navigates misuse or abuse of process, including participating in bad faith	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 1.5.3 Understands the requirement for protecting against the misuse or abuse of the process The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.5 Navigates misuse or abuse of process, including participating in bad faith
(c) a participant is not engaging in the mediation in good faith	2.5.5 Navigates misuse or abuse of process, including participating in bad faith	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 1.5.3 Understands the requirement for protecting against the misuse or abuse of the process The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.5 Navigates misuse or abuse of process, including participating in bad faith
(d) the safety of one or more participants may be at risk	2.5.4 Manages safety of participants or vulnerable stakeholders	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.4 Manages safety of participants or vulnerable stakeholders
5.2 A mediator should, where possible, advise of their intention to suspend or terminate the mediation	2.3.1 Facilitates the selected process, including suspending or terminating if required 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.1 Facilitates the selected process, including suspending or terminating if required 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached
5.3 If terminating the mediation, the mediator where appropriate, should encourage the participants to consider alternative procedures for achieving resolution.	2.4.3 Assists parties to consider their alternatives 2.7.1 Provides information, guidance , or advice on procedural matters, including the process if no agreement is reached	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.4.3 Assists parties to consider their alternatives 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached
6. Power and safety	1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety
6.1 A mediator must be alert to changing balances of power in mediation and manage the mediation accordingly.	1.5.2 Understands the requirement for managing power and safety 2.5.2 Manages power imbalance	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety The draft Code –

		<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.2 Manages power imbalance 2.5.4 Manages safety of participants or vulnerable stakeholders
6.2 A mediator must consider the safety and comfort of participants and where necessary take steps, which may include:	1.5.2 Understands the requirement for managing power and safety 2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.2 Identifies and implements adaptations to accommodate diverse needs 2.5.4 Manages safety of participants or vulnerable stakeholders
(a) agreeing guidelines to encourage appropriate conduct;	2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.4 Manages emotions 2.5.4 Manages safety of participants or vulnerable stakeholders
(b) activating appropriate security protocols;	1.5.2 Understands the requirement for managing power and safety 2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.4 Manages safety of participants or vulnerable stakeholders
(c) using separate sessions, communication technology or other protective arrangements;	2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.4 Manages safety of participants or vulnerable stakeholders
(d) having a participant’s friend, representative or professional advisor attend mediation	1.3.5 Knows the role of support persons, lawyers and other professionals 2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.3.5 Knows the role of support persons, lawyers and other professionals 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p>

meetings;		<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.2 Identifies and implements adaptations to accommodate diverse needs 2.5.4 Manages safety of participants or vulnerable stakeholders
(e) providing participants with information about other services or resources; and	2.1.3 Assesses if parties need advice and support from other services	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.3 Assesses if parties need advice and support from other services 2.5.4 Manages safety of participants or vulnerable stakeholders 2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached
(f) suspending or terminating the mediation with appropriate steps to protect the safety of participants.	2.3.1 Facilitates the selected process, including suspending or terminating if required 2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.5.2 Understands the requirement for managing power and safety <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.1 Facilitates the selected process, including suspending or terminating if required 2.5.4 Manages safety of participants or vulnerable stakeholders
7 Procedural fairness and impartiality	3.3 Facilitates an even-handed, safe and ethical process	<p>The draft Code –</p> <p>Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities:</p> <p>3.3 Facilitates an even-handed, safe and ethical process</p>
7.1 A mediator must conduct the mediation in a fair, equitable and impartial way, without favouritism or bias in act or omission.	2.5.1 Ensures an even-handed process 3.3.1 Is even-handed	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.1 Ensures an even-handed process <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.3.1 Is even-handed
7.2 A mediator must identify and disclose any potential grounds of bias or conflict of interest before the mediation, or that emerge at any time during the process.	3.3.4 Declares conflicts of interest and avoids the use of information for personal gain	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.3.1 Is even-handed 3.3.4 Declares conflicts of interest and avoids the use of information for personal gain
7.3 A mediator must not mediate in cases involving a conflict of	2.2.3 Ensures consent is informed 2.5.1 Ensures an even-handed process 3.3.1 Is even-handed	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas:

<p>interest without the informed consent of the participants, and then only if, in the mediator's view, the conflict would not impair his or her impartial conduct of the process.</p>	<p>3.3.4 Declares conflicts of interest and avoids the use of information for personal gain</p>	<p>2.2.3 Ensures consent is informed 2.5.1 Ensures an even-handed process The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.3.1 Is even-handed 3.3.4 Declares conflicts of interest and avoids the use of information for personal gain</p>
<p>7.4 A mediator must support participants to reach agreements freely, voluntarily, without undue influence and on the basis of informed consent.</p>	<p>2.2.3 Ensures consent is informed</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed</p>
<p>7.5 A mediator must provide participants appropriate opportunities to speak to and be heard by one another in the mediation, and to articulate their respective interests, issues and underlying needs.</p>	<p>2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p>
<p>7.6 A mediator must ensure, so far as practicable, that participants have had sufficient time and opportunity to access sources of advice or information necessary for their decision-making.</p>	<p>2.1.3 Assesses if parties need advice and support from other services 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter 2.1.3 Assesses if parties need advice and support from other services 2.2.1 Assists parties understand what to expect from the process and the roles of the people involved</p>
<p>7.7 A mediator must encourage and support negotiations that focus on the participants' respective interests, issues and underlying needs and must encourage participants to assess any proposed agreements accordingly and with reference to their long term viability.</p>	<p>2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs 2.4.4 Assists parties to generate and evaluate options 2.4.5 Assists parties to negotiate with each other</p>	<p>The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding 2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs 2.4.4 Assists parties to generate and evaluate options 2.4.5 Assists parties to negotiate with each other</p>
<p>8. Ethical conduct and professional relations</p>	<p>As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:</p>	<p>The draft Code – ➤ Appendix 3 – Code of Ethics: para 2</p>

	<p>Note: For more specific examples, consider including this footnote in Code of Ethics:</p> <p>For more information about the Code or FAQs related to the Code of Ethics, including examples of prohibited practices, see: the MSB website link</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: footnote
<p>8.1 A mediator must mediate only where they have the competence to do so.</p>	<p>Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p>c. Their competence or experience generally, or in relation to a specialist context or area or expertise</p> <p>3.4.3 Represents competence honestly and transparently</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 4 c <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>3.4.3 Represents competence honestly and transparently</p>
<p>8.2 A mediator must not use information obtained in mediation for personal gain or advantage.</p>	<p>Facilitating an even-handed, safe and ethical process, including:</p> <p>b. Declaring conflicts of interest and avoiding the use of information for personal gain</p> <p>Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p>d. Any inducements or affiliations</p> <p>3.3.4 Declares conflicts of interest and avoids the use of information for personal gain</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pts 3b & 4d <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.3.4 Declares conflicts of interest and avoids the use of information for personal gain</p>
<p>8.3 A mediator must adhere to the ethical code or standards prescribed by the professional organisation or association of which they are a member or by whom they are employed.</p>	<p>Meeting their legal, regulatory and professional obligations, including:</p> <p>b. Monitoring and maintaining compliance with their obligations under any legislative or regulatory frameworks</p> <p>c. Monitoring and maintaining compliance with any co-existing professional or specialist obligations related to their practice</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 5 b & c
<p>8.4 A mediator should encourage participants to consider the interests of any vulnerable stakeholders.</p>	<p>2.5.3 Assists parties to contemplate the needs of vulnerable stakeholders</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.5.3 Assists parties to contemplate the needs of vulnerable stakeholders</p> <p>2.5.4 Manages safety of participants or vulnerable stakeholders</p>

<p>8.5 A mediator should encourage participants to obtain other professional support when appropriate but should refrain from recommending the services of particular individuals or firms.</p>	<p>2.1.3 Assesses if parties need advice and support from other services 3.4.4 Represents inducements or affiliations honestly and transparently</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.5 Knows the role of support persons, lawyers and other professionals 1.7.1 Understands the scope and types of information, guidance or advice on procedural matters, including the process if no agreement is reached ('procedural') 1.7.3 Understands the scope and types of information, guidance or advice on substantive matters ('substance') 1.7.7 Understands the scope and types of information, guidance or advice on the cultural, psychological or social context ('socio-cultural or psychological')</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter 2.1.3 Assesses if parties need advice and support from other services</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.2.1 Promotes self-determination 3.2.2 Promotes informed decision-making 3.4.4 Represents inducements or affiliations honestly and transparently</p>
<p>8.6. A mediator may liaise with other relevant professionals with permission from the relevant participant.</p>	<p>2.2.3 Ensures consent is informed</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>2.2.2 Identifies and implements adaptations to accommodate diverse needs 2.2.3 Ensures consent is informed 2.6.1 Meets their ethical obligations as an accredited mediator</p>
<p>8.7 A mediator should extend professional courtesy to other professionals engaged by the participants.</p>	<p>Meeting their legal, regulatory and professional obligations, including: a. Interacting professionally and courteously with clients, colleagues and members of the public' 3.6.5 Meets expectations to interact professionally and courteously with clients, colleagues and members of the public</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 5a <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.6.5 Meets expectations to interact professionally and courteously with clients, colleagues and members of the public</p>
<p>8.8 A mediator should, where possible, engage in professional debriefing, peer consultation and mentoring of less experienced mediators.</p>	<p>4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner 4.3.2 Coaches, mentors or supervises other practitioners</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Development > Focus areas: <p>4.1.3 Participates in peer supervision or debriefing with a similarly knowledgeable or experienced practitioner 4.3.2 Coaches, mentors or supervises other practitioners</p>
<p>9 Confidentiality</p>		
<p>9.1 A mediator must respect the agreed confidentiality</p>	<p>Meeting their legal, regulatory and professional obligations, including: a. Maintaining confidentiality and data protection</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 5 a

arrangements relating to participants and to information provided during the mediation, except:	2.3.2 Manages confidentiality 3.6.1 Meets confidentiality and data protection requirements	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.2 Manages confidentiality The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.6.1 Meets confidentiality and data protection requirements
(a) with the consent of the participant to whom the confidentiality is owed; or	2.2.3 Ensures consent is informed 2.3.2 Manages confidentiality	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed 2.3.2 Manages confidentiality
(b) where non-identifying information is required for legitimate research, supervisory or educational purposes; or	3.6.1 Meets confidentiality and data protection requirements	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.2 Manages confidentiality The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.6.1 Meets confidentiality and data protection requirements The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Development > Focus areas: Conducts in research into mediation or related dispute resolution process
(c) when required to do otherwise by law;	1.6.3 Understands the legal obligations of an accredited mediator 3.6.2 Meets obligations under legislative or regulatory frameworks	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.6.3 Understands the legal obligations of an accredited mediator The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.2 Manages confidentiality 2.6.3 Meets their legal obligations as an accredited mediator The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.6.2 Meets obligations under legislative or regulatory frameworks
(d) where permitted to do otherwise by ethical guidelines or obligations;	1.6.1 Understands the ethical obligations of an accredited mediator 2.6.1 Meets their ethical obligations as an NMAS accredited mediator	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.6.1 Understands the ethical obligations of an accredited mediator 1.6.2 Understands the professional obligations of an accredited mediator The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus

		<p>areas:</p> <p>2.3.2 Manages confidentiality</p> <p>2.6.1 Meets their ethical obligations as an NMAS accredited mediator</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.6.3 Meets other professional or specialist obligations</p>
(e) where reasonably considered necessary to do otherwise to prevent an actual or potential threat to human life or safety .	<p>2.3.2 Manages confidentiality</p> <p>2.5.4 Manages safety of participants or vulnerable stakeholders</p> <p>3.3.2 Monitors safety</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.6.1 Understands the ethical obligations of an accredited mediator</p> <p>1.6.2 Understands the professional obligations of an accredited mediator</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.2 Manages confidentiality</p> <p>2.5.4 Manages safety of participants or vulnerable stakeholders</p> <p>2.6.1 Meets their ethical obligations as an NMAS accredited mediator</p> <p>2.6.2 Meets their professional obligations as an NMAS accredited mediator</p> <p>2.6.3 Meets their legal obligations as an accredited mediator</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.3.2 Monitors safety</p> <p>3.6.1 Meets confidentiality and data protection requirements</p> <p>3.6.2 Meets obligations under legislative or regulatory frameworks</p>
9.2 Before holding separate sessions with different participants, a mediator must inform participants of the confidentiality which applies to these sessions.	2.3.2 Manages confidentiality	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p> <p>2.3.2 Manages confidentiality</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.6.1 Meets confidentiality and data protection requirements</p>
9.3 With a participant's consent , a mediator may discuss the mediation, or any proposed agreement, with that participant's advisors or with third parties.	<p>2.2.3 Ensures consent is informed</p> <p>2.3.2 Manages confidentiality</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.2.3 Ensures consent is informed</p> <p>2.3.2 Manages confidentiality</p>
9.4 A mediator is not required to retain documents relating to a mediation, although they may do so should	3.6.1 Meets confidentiality and data protection requirements	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.6.1 Understands the ethical obligations of an accredited mediator</p> <p>1.6.2 Understands the professional obligations of an accredited mediator</p> <p>The draft Code –</p>

they wish, particularly where duty-of-care or duty-to-warn issues are identified.		<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.6.1 Meets confidentiality and data protection requirements</p>
9.5 A mediator must take care to preserve confidentiality in the storage and disposal of written and electronic notes and records of the mediation and must take reasonable steps to ensure that administrative staff preserve such confidentiality.	3.6.1 Meets confidentiality and data protection requirements	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.6.1 Meets confidentiality and data protection requirements</p>
10 Knowledge, skills and ethical principles	<p>All concepts in 10.1 have become Focus Areas in the Professional Attributes that can be used as a curriculum for training under the Draft Code. There are also some new focus areas that emerged through consultation.</p> <p>Some concepts may also have been reorganised under Code of Ethics</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Focus area: (NUMBER) and <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics
10.1 A mediator, consistent with the Approval Standards, must have the knowledge and skills, and an understanding of the ethical principles, outlined below:	<p>Professional Attributes</p> <p>The Professional Attributes articulate the values of the NDR profession, including the knowledge, skills and behaviours that individuals, the community and society can reasonably expect from those carrying accreditation under the Code. The Professional Attributes permeate the practice of all accredited practitioners irrespective of their level of experience, area of specialisation or context within in which they operate.</p> <p>Note: The Attributes can also be used as a public-facing document.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Professional Attributes
(a) Knowledge	<p>PROFESSIONAL KNOWLEDGE</p> <p>Mediators and specialist practitioners accredited under the Code draw on a body of knowledge and research to inform their practice. The professional knowledge domain is comprised of seven (7) attributes. This means the public can feel confident that an NMAS accredited mediator:</p> <ol style="list-style-type: none"> a. Understands conflict and the way people behave when they are in it b. Understands the factors that play a role in conflict and dispute resolution c. Knows the principles and models for mediation and the roles or functions of the people involved d. Knows a range of strategies or techniques for resolving conflict and when to use them e. Understands the requirement for fairness, safety and protecting against misuse of the process f. Understands the ethical, professional and legal obligations of a mediator g. Understands the scope and types of guidance or advice offered by mediators 	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 4 – Professional Attributes > Professional Knowledge
(i) the nature of conflict, including the	<p>1.1.1 Understands the characteristics of conflict</p> <p>1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas:

dynamics of power and violence.		1.1.1 Understands the characteristics of conflict 1.2.5 Dynamics of power and violence
(ii) the circumstances in which mediation may or may not be appropriate.	1.3.1 knows the principles of mediation, including what makes a matter suitable for a given process	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.1 Knows the principles of mediation, including what makes a matter suitable for a given process
(iii) preparing for mediation; assessing suitability; preliminary conferencing or intake.	1.3.1 knows the principles of mediation, including what makes a matter suitable for a given process 1.3.2 Knows the mediation process	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.1 knows the principles of mediation, including what makes a matter suitable for a given process 1.3.2 Knows the mediation process 1.3.4 Knows the role of the parties The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.4 Assists parties to adopt a resolution mindset
(iv) communication patterns in conflict and negotiation.	1.4.2 Knows negotiation strategies or techniques 1.4.1 Knows communication strategies or techniques	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.1.2 Understands the characteristics of people in conflict 1.4.2 Knows negotiation strategies or techniques 1.4.1 Knows communication strategies or techniques
(v) negotiation dynamics in mediation, including manipulative and intimidating tactics.	1.1.2 Understands the characteristics of people in conflict 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.4.2 Knows negotiation strategies or techniques	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.1.2 Understands the characteristics of people in conflict 1.2.5 Understands the dynamics of power and violence in conflict and dispute resolution 1.4.2 Knows negotiation strategies or techniques
(vi) cross-cultural issues.	1.2.6 Understands that diversity and inclusion influence experiences of conflict and dispute resolution	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.2.6 Understands that diversity and inclusion influence experiences of conflict and dispute resolution ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter 2.1.3 Assesses if parties need advice and support from other services 2.2.2 Identifies and implements adaptations to accommodate diverse needs

(vii) the principles, stages and functions of the mediation process.	1.3.1 Knows the principles of mediation, including what makes a matter suitable for a given process 1.3.2 Knows the mediation process	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.2 Knows the principles of mediation, including what makes a matter suitable for a given process 1.3.2 Knows the mediation process
(viii) the roles and functions of mediators.	1.3.3 Knows the role of the mediator	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.3 Knows the role of the mediator
(ix) the roles and functions of support persons, lawyers and other professionals in mediation.	1.3.5 Knows the role of support persons, lawyers and other professionals	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.3.5 Knows the role of support persons, lawyers and other professionals
(x) the law relevant to mediators and to the mediation process.	1.6.3 Understands the legal obligations of an accredited mediator	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.5.1 Understands the requirement for even-handedness 1.6.3 Understands the legal obligations of an accredited mediator The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.6.3 Meets their legal obligations as an NMAS accredited mediator
(b) Skills	PROFESSIONAL SKILLS Mediators and specialist practitioners accredited under the Code facilitate non-determinative dispute resolution processes designed to promote resolution within a range of contexts. This is where mediators put their professional knowledge to work. The professional skills domain is comprised of seven (7) attributes. This means the public can feel confident that an NMAS accredited mediator: a. Conducts an initial assessment or triage b. Supports self-determination and informed decision making c. Manages the mediation process d. Supports parties to participate in the process e. Manages risks to fairness, safety, or abuse of the process f. Meets their ethical, professional and legal obligations g. Provides information, guidance and advice as appropriate to the process	The draft Code – ➤ Appendix 4 – Professional Attributes > Professional Skills
(i) preparation for and dispute diagnosis in mediation.	2.1.4 Establishes a plan for mediation	The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.1.2 Assesses the suitability or the service and/or competence of the mediator (self or other) in relation to the matter 2.1.3 Assesses if parties need advice and support from other services 2.1.4 Establishes a plan for mediation 2.2.4 Assists parties to adopt a resolution mindset

(ii) intake and screening of participants and disputes to assess mediation suitability.	2.1.1 Assesses the suitability of the matter for mediation generally	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.1.1 Assesses the suitability of the matter for mediation generally 2.1.3 Assesses if parties need advice and support from other services</p>
(iii) the conduct and management of the mediation process.	2.3 Manages the process 3.3 Facilitates an even-handed, safe and ethical process	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes: <p>2.3 Manages the process 3.3 Facilitates an even-handed, safe and ethical process</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.3.1 Is even-handed 3.3.2 Monitors safety 3.3.3 Protects against misuse or abuse of the process 3.3.3 Protects against misuse or abuse of the process</p>
(iv) communication skills, including listening, questioning, reflecting, reframing and summarising, as required for the conduct of mediation.	1.4.1 Knows communication strategies or techniques 2.4.1 Assists parties to communicate with each other, exchange information and seek understanding	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.2.3 Understands the role of empathy in conflict and dispute resolution 1.2.4 Understands the role of perspective-taking in conflict and dispute resolution 1.4.1 Knows communication strategies or techniques</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.1 Assists parties to communicate with each other, exchange information and seek understanding</p>
(v) negotiation techniques and the mediator's role in facilitating negotiation and problem-solving.	1.3.3 Knows the role of the mediator 1.4.2 Knows negotiation strategies or techniques 1.4.3 Knows problem-solving strategies or techniques 2.4.5 Assists parties to negotiate with each other	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.2.4 Understands the role of perspective-taking in conflict and dispute resolution 1.4.2 Knows negotiation strategies or techniques 1.4.3 Knows problem-solving strategies or techniques</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.4.5 Assists parties to negotiate with each other</p>
(vi) ability to manage high emotion, power imbalances, impasses and violence.	2.3.3 Manages impasse 2.3.4 Manages emotions 2.5.2 Manages power imbalance 2.5.4 Manages safety of participants or vulnerable stakeholders	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.1.1 Understands the characteristics of conflict 1.1.2 Characteristics of people in conflict 1.2.5 Dynamics of power and violence 1.2.1 Understands the role of self-determination in resolving conflict</p>

		<p>1.2.2 Understands the role of emotions in conflict and dispute resolution</p> <p>1.2.6 Diversity and Inclusion considerations for conflict</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.2.3 Ensures consent is informed</p> <p>2.3.3 Manages impasse</p> <p>2.3.4 Manages emotions</p> <p>2.5.2 Manages power imbalance</p> <p>2.5.4 Manages safety of participants or vulnerable stakeholders</p>
(vii) use of separate meetings.	<p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p> <p>2.3.2 Manages impasse</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.4.4 Knows reality-testing strategies or techniques</p> <p>1.3.2 Knows the mediation process</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p> <p>2.3.2 Manages impasse</p> <p>2.3.3 Manages emotions</p>
(viii) reality-testing proposed outcomes in light of participants’ interests, issues, underlying needs and long-term viability.	<p>1.4.4 Knows reality-testing strategies or techniques</p> <p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p> <p>2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p> <p>2.4.3 Assists parties to consider their alternatives</p> <p>2.4.4 Assists parties to generate and evaluate options</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.3 Knows the role of the mediator</p> <p>1.4.4 Knows reality-testing strategies or techniques</p> <p>1.7.5 Understands the scope and types of information, guidance or advice about outcomes observed in similar disputes, claims or cases (‘outcomes’)</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.1 Facilitates the selected process, including suspending or terminating if required</p> <p>2.4.2 Assists parties to identify, clarify and explore interests, issues and underlying needs</p> <p>2.4.3 Assists parties to consider their alternatives</p> <p>2.4.4 Assists parties to generate and evaluate options</p>
(ix) facilitating the recording of the outcome of the mediation.	<p>2.3.5 Facilitates the recording of the outcome</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.3.3 Knows the role of the mediator</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.3.5 Facilitates the recording of the outcome</p>
(c) Ethical Principles	<p>Ethical principles from the NMAS have been re-organised to sit in either Professional Attributes > Professional Ethics and Responsibilities or the Code of Ethics under the Draft Code.</p>	<p>The draft Code –</p>

	<p>PROFESSIONAL ETHICS & RESPONSIBILITIES Mediators and specialist practitioners accredited under the Code engage ethically and professionally with clients and colleagues. In doing so, they foster public and institutional trust in the field. The professional ethics and responsibilities domain is comprised of seven (7) attributes. This means the public can feel confident that an accredited mediator:</p> <ol style="list-style-type: none"> Provides accessible and inclusive services Promotes self-determination and informed decision making Facilitates an even-handed, safe and ethical process Represents their services and competence honestly and transparently Meets their legal, regulatory and professional obligations (New) Provides guidance and advice only when competent and authorised to do so Provides a feedback and complaints mechanism <p>CODE OF ETHICS As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:...'</p> <p>Code of Ethics can also be used as an outward -facing document, MSB to provide examples on website:</p> <p>For more information about the Code or FAQs related to the Code of Ethics, including examples of prohibited practices, see: the MSB website link</p>	<ul style="list-style-type: none"> ➤ Appendix 4 – Professional Attributes > Professional Ethics and Responsibilities <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: para 2 <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: footnote
(i) competence, integrity and accountability	<p>PROFESSIONAL ETHICS & RESPONSIBILITIES Mediators and specialist practitioners accredited under the Code engage ethically and professionally with clients and colleagues. In doing so, they foster public and institutional trust in the field. The professional ethics and responsibilities domain is comprised of seven (7) attributes. This means the public can feel confident that an accredited mediator:</p> <p>4.Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p>c.Their competence or experience generally, or in connection to a specialist context or area of expertise</p> <p>3.4.3 Represents competence honestly and transparently</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 4c <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.4.3 Represents competence honestly and transparently
(ii) professional conduct	<p>3.6.5 Meets expectations to interact professionally and courteously with clients, colleagues and members of the public</p> <p>5e. interacting professionally and courteously with clients, colleagues and members of the public</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.6.5 Meets expectations to interact professionally and courteously with clients, colleagues and members of the public <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 5e.
(iii) Self-determination	<p>Supporting self-determination and informed decision-making</p> <p>1.2.1 Understands the role of self-determination in conflict and dispute resolution</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 2 <p>The draft Code –</p>

	3.2.1 Promotes self-determination	<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: 1.2.1 Understands the role of self-determination in conflict and dispute resolution The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.2.1 Promotes self-determination
(iv) informed consent	2.2.3 Ensures consent is informed	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed
(v) safety, procedural fairness and equity in mediation including withdrawing from or terminating the mediation process	2.3.1 Facilitates the selected process, including suspending or terminating if required 2.5.1 Ensures an even-handed process 2.5.4 Manages safety of participants or vulnerable stakeholders	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.3.1 Facilitates the selected process, including suspending or terminating if required 2.5.1 Ensures an even-handed process 2.5.4 Manages safety of participants or vulnerable stakeholders 2.6.1 Meets their ethical obligations as an accredited mediator 2.6.2 Meets their professional obligations as an accredited mediator 2.6.3 Meets their legal obligations as an accredited mediator
(vi) impartiality including the avoidance of conflicts of interest	2.5.1 Ensures an even-handed process 3.3.4 Declares conflicts of interest and avoids the use of information for personal gain	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.5.1 Ensures an even-handed process 2.6.1 Meets their ethical obligations as an accredited mediator 2.6.2 Meets their professional obligations as an accredited mediator 2.6.3 Meets their legal obligations as an accredited mediator The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: 3.3.4 Declares conflicts of interest and avoids the use of information for personal gain
(vii) confidentiality privacy and reporting obligations	3.6.1 Meets confidentiality and data protection requirements 3.6.3 Meets other professional or specialist obligations	<ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.6.1 Meets confidentiality and data protection requirements 3.6.3 Meets other professional or specialist obligations
(viii) honesty in the marketing and advertising of mediation and promotion of the mediator’s practice	3.4.2 Represents fees and charges honestly and transparently 3.4.3 Represents competence honestly and transparently 3.4.4 Represents inducements or affiliations honestly and transparently	The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: 2.2.3 Ensures consent is informed The draft Code – <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards: 3.4.2 Represents fees and charges honestly and transparently 3.4.3 Represents competence honestly and transparently 3.4.4 Represents inducements or affiliations honestly and transparently The draft Code –

	<p>As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:</p> <p>4. Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <ol style="list-style-type: none"> The approach they will take or the type of process to be used Any fees or charges Their competence or experience generally, or in connection to a specialist context or area of expertise Any inducements or affiliations 	<p>➤ Appendix 3 – Code of Ethics: 4(a)(b)(c)(d)</p>
<p>10.2 Where a mediator uses a blended process such as advisory or evaluative mediation or conciliation, which involves the provision of advice, the mediator must:</p>	<p>As part of their commitment to protecting and upholding public and institutional confidence in their profession, mediators and specialist practitioners accredited under the Code commit to:</p> <p>6. Providing information, guidance and advice only when competent and authorised to do so, and specifically, only when:</p> <ol style="list-style-type: none"> They possess the requisite level of knowledge, skills or expertise Authorised by the parties Authorised by the service provider or dispute resolution context Authorised under their level of NMAS Accreditation, including the requirement to hold professional indemnity insurance for practitioners who provide information, guidance and advice' 	<p>The draft Code –</p> <p>➤ Appendix 3 – Code of Ethics: Pt 6(a)(b)(c)(d)</p>
<p>(a) obtain consent from participants to use the blended process;</p>	<p>6. Providing information, guidance and advice only when competent and authorised to do so, and specifically, only when:</p> <p>b. Authorised by the parties</p> <p>3.7.2 Provides information, guidance and advice only when authorised by the parties to do so</p>	<p>The draft Code –</p> <p>➤ Appendix 3 – Code of Ethics: Pt 6 b.</p> <p>The draft Code –</p> <p>➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas:</p> <p>1.7.5 Understands the scope and types of information, guidance or advice about outcomes observed in similar disputes, claims or cases ('outcomes')</p> <p>The draft Code –</p> <p>➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas:</p> <p>2.2.3 Ensures consent is informed</p> <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p> <p>2.7.6 Provides information, guidance or advice about the merits of a claim or case</p> <p>2.7.4 Provides information, guidance or advice on the associated regulatory framework, law or code</p> <p>The draft Code –</p> <p>➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas:</p> <p>3.7.2 Provides information, guidance and advice only when authorised by the parties to do so</p>
<p>(b) ensure that within the</p>	<p>6. Providing information, guidance and advice only when competent and authorised to do so, and specifically, only when:</p>	<p>The draft Code –</p> <p>➤ Appendix 3 – Code of Ethics: Pt 6</p>

<p>professional area in which advice is to be given, they</p>	<p>3.7.2 Provides information, guidance and advice only when authorised by the parties to do so</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p>
<p>(i) have current knowledge and experience;</p>	<p>(a) They possess the requisite level of knowledge, skills or expertise</p> <p>3.7.1 Provides information, guidance and advice only when competent to do so</p>	<p>The draft Code –</p> <p>Appendix 3 – Code of Ethics: pt 6a</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: <p>3.7.1 Provides information, guidance and advice only when competent to do so</p> <p>3.7.3 Provides information, guidance and advice only when authorised by the NDR context or regulatory framework to do so</p>
<p>(ii) hold professional registration, membership, statutory employment or their equivalent, and</p>	<p>Meeting their legal, regulatory and professional obligations, including:</p> <ul style="list-style-type: none"> a. Maintaining confidentiality and data protection b. Monitoring and maintaining compliance with their obligations under any legislative or regulatory frameworks c. Monitoring and maintaining compliance with any co-existing professional or specialist obligations related to their practice d. Meeting their continuous professional development requirements 	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: pt 5(b)(c)(d)
<p>(iii) are covered by current professional indemnity insurance or have statutory immunity</p>	<p>d. Authorised under their level of accreditation, including the requirement to hold professional indemnity insurance for practitioners who provide information, guidance and advice</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: pt 6d
<p>and</p>		
<p>(c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination.</p>	<p>2. Supporting self-determination and informed decision-making</p> <p>3.2.1 Promotes self-determination</p> <p>3.7.2 Provides information, guidance and advice only when authorised by the parties to do so</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: Pt 2 <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Knowledge > Focus areas: <p>1.2.1 Understands the role of self-determination in conflict and dispute resolution</p> <p>1.7.5</p>

		<p>Understands the scope and types of information, guidance or advice about outcomes observed in similar disputes, claims or cases ('outcomes')</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.7.1 Provides information, guidance, or advice on procedural matters, including the process if no agreement is reached</p> <p>2.7.6 Provides information, guidance or advice about the merits of a claim or case</p> <p>2.7.4 Provides information, guidance or advice on the associated regulatory framework, law or code</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: <p>3.2.1 Promotes self-determination</p> <p>3.7.2 Provides information, guidance and advice only when authorised by the parties to do so</p>
11 Charging for services	<p>As part of their commitment to protecting and upholding public and institutional confidence in their profession, NMAS accredited practitioners commit to:</p> <p>4.Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p style="padding-left: 20px;">b Any fees or charges</p> <p>(There is an inherent conflict in the use of success rates for KPIs, funding, focus on settlement rates casual nature of the industry and interviews for panels etc. It's an ethical dilemma which contradicts and undermines other ethical principles set out in the current NMAS.</p> <p>Recommendation: MSB to review this conflict. See commentary in the draft Code</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: pt 4b.
11.1 A mediator must obtain agreement from participants about the fees and charges payable for the mediation and about how those fees and charges are to be apportioned between them.	<p>4.Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p style="padding-left: 20px;">b.Any fees or charges</p> <p>3.4.2 Represents fees and charges honestly and transparently</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: pt 4b. <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Skills > Focus areas: <p>2.2.3 Ensures consent is informed</p> <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: <p>3.4.2 Represents fees and charges honestly and transparently</p>
11.2 A mediator must not charge fees based on the outcome of a mediation or calculated in a way that could influence the manner in which the mediator conducts the	<p>4.Representing their services and competence honestly and transparently, with specific attention to information relating to:</p> <p style="padding-left: 20px;">b. Any fees or charges</p> <p style="padding-left: 20px;">d. Any inducements or affiliations</p> <p>3.4.2 Represents fees and charges honestly and transparently</p> <p>(There is an inherent conflict in the use of success rates for KPIs, funding, focus on settlement rates</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 3 – Code of Ethics: pt 4(b)(d) <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: <p>3.4.2 Represents fees and charges honestly and transparently</p>

mediation.	casual nature of the industry and interviews for panels etc. It's an ethical dilemma which contradicts and undermines other ethical principles set out in the current NMAS. Recommendation: MSB to review this conflict See commentary in the draft Code.	
11.3 If any fees or charges paid in advance exceed fees or charges payable for the mediation, the excess must be returned promptly upon conclusion or termination of the mediation.	4.Representing their services and competence honestly and transparently, with specific attention to information relating to: b. Any fees or charges 3.4.2 Represents fees and charges honestly and transparently	The draft Code – ➤ Appendix 3 – Code of Ethics: pt 4(b) The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and responsibilities > Focus areas: 3.4.2 Represents fees and charges honestly and transparently
12 Provision of information and promotion of services	As part of their commitment to protecting and upholding public and institutional confidence in their profession, accredited practitioners commit to:	The draft Code – ➤ Appendix 3 – Code of Ethics: Paragraph 1
12.1 A mediator must accurately represent their qualifications and experience and how they conduct their mediations.	4 Representing their services and competence honestly and transparently, with specific attention to information relating to: c. Their competence or experience generally, or in connection to a specialist context or area of expertise 3.4 Represents their services and competence honestly and transparently	The draft Code – ➤ Appendix 3 – Code of Ethics: pt 4(c) The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities: 3.4 Represents their services and competence honestly and transparently
12.2 A mediator must not guarantee results or outcomes from the mediation process or make statements likely to create false expectations about favourable results.	4 Representing their services and competence honestly and transparently, with specific attention to information relating to: a. Any fees or charges d.Any inducements or affiliations 3.4.4 Represents inducements or affiliations honestly and transparently	The draft Code – ➤ Appendix 3 – Code of Ethics: pt 4(b)(d) The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.4.4 Represents inducements or affiliations honestly and transparently
12.3 A mediator may use de-identified information about any evaluation of their mediation practice that could assist participants to better understand the mediation services they offer.	Meeting their legal, regulatory and professional obligations, including: Maintaining confidentiality and data protection	The draft Code – ➤ Appendix 3 – Code of Ethics: pt 5(a) The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Ethics and Responsibilities > Focus areas: 3.3.4 Declares conflicts of interest and avoids the use of information for personal gain The draft Code – ➤ Appendix 5 – Professional Standards > Professional Attributes > Professional Development > Focus areas: 4.3.3 Participates in research related to mediation or other forms of NDR 4.3.4 Conducts research into mediation or other forms of NDR

<p>12.4 A mediator accredited under the National Mediator Accreditation System is entitled to use the following descriptor and post-nominal: Accredited Mediator NMAS.</p>	<p>Representing their services and competence honestly and transparently, with specific attention to information relating to: d.Any inducements or affiliations</p>	<p>The draft Code – ➤ Appendix 3 – Code of Ethics: pt 4(d)</p>
<p>13 Waiver by MSB</p>		
<p>In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the <i>Practice Standards</i> on application by an RMAB.</p>	<p>In exceptional circumstances the Code Administration Committee or their delegate may, conditionally or otherwise, waive compliance with any provision of the Code’s Accreditation Requirements on application by a Recognised Accreditation Provider.</p>	<p>The draft Code – Part 1: The Code - Requirements > The Code - Requirement 3 > Waiver of Accreditation Requirements: Pt 72</p>

Part IV: Recognised Mediator Accreditation Bodies

	PROPOSED MODIFICATION OR CHANGE	LOCATION
1 RMAB Qualifications	<p>Note: RAP is now the umbrella term for training and accreditation providers under the draft Code.</p> <p>What is a Recognised Accreditation Provider (RAP)? 79 A Recognised Accreditation Provider (RAP) is a signatory organisation authorised under the Code to provide mediator or specialist practitioner accreditation in accordance with the requirements of the Code. This includes, but is not limited to:</p> <p>(1) RMABs (2) Other organisations recognised under the Code as authorised to accredit: (a) Mediators (b) Other specified types of NDR practitioners under co-existing accreditation frameworks e.g. the Attorney General’s Office as the accreditation provider for FDRPs.</p> <p>80 The Code Administration Committee sets the requirements for any processes involved in obtaining and maintaining recognition under the Code: (1) The MSB to indicate what the process is or where this information can be obtained.</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What is a Recognised Accreditation Provider (RAP)?: Pt 79(1)(2)(a)(b), <p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt 80 (1)
In order to accredit a mediator in accordance with the NMAS, RMABs must have :	<p>What required to obtain and maintain recognition as an authorised accreditation provider? 80 To be a Recognised Accreditation Provider an organisation must, at a minimum, demonstrate they have and maintain:</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider? Pt 80
1.1 financial membership of the MSB;	<p>(1) Financial membership of the MSB; (a) The MSB to consider if alternative type of financial membership may be required or appropriate depending on the coverage</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt 81 (1)(a)
1.2 the capacity and expertise to assess whether training, education, assessment and CPD undertaken by applicants for accreditation or renewal of accreditation meet the respective requirements specified in the <i>Approval Standards</i> ;	<p>(3) The capacity and expertise to assess whether applicants meet the requirements under the Code’s Training and Accreditation Framework for: (a) Accreditation, including movement between levels or types of accreditation; and (b) Renewal of accreditation, including CPD</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt 81 (3)(a)(b)
1.3 the ability to provide or refer members to CPD activities as outlined in Section 3.5 of the <i>Approval Standards</i> ;	<p>(4) The ability to provide or refer members to CPD activities as outlined in Code’s Training and Accreditation Framework;</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt 81 (4)
1.4 a complaints system that meets the <i>Benchmarks for Industry-based Customer Dispute Resolution Schemes</i> , or the ability to refer a complaint to a scheme that has been established by statute;	<p>(5) Systems or mechanisms to meet their obligations under the Code in relation to: (a) The National Register (b) Complaints handling</p>	<p>The draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised

	(c) Compliance (d) Awareness (e) Data collection (f) Monitoring (g) Accountability (h) Review (i) Competition (j) Performance	accreditation provider?: Pt 81 (5)(a-j)
sound governance structures, financial viability and appropriate administrative resources;	(2) Sound governance structures, financial viability and appropriate administrative resources	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt 81 (2)
sound record-keeping in respect of mediators accredited under the NMAS; and	RAPs are responsible for data entry and record-keeping within the National Register.	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13
at least 10 mediators accredited under the NMAS who are bona fide members, panellists or employees	(6) At least 10 mediators or specialist practitioners accredited under the Code’s Training and Accreditation Framework, who are bona fide members, panellists or employees.	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > What required to obtain and maintain recognition as an authorised accreditation provider?: Pt81 (6)
RMAB responsibilities	RAP (RMAB) responsibilities	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > RAP (RMAB) responsibilities
RMABs must:	82 RAPs (RMABs) must:	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > RAP (RMAB) responsibilities: Pt 82
recognise the NMAS accreditation of a mediator currently accredited under the NMAS by another RMAB;	(1) Subject to the National Register check , recognise the accreditation of a mediator or specialist practitioner currently accredited under the Code by another RAP (RMAB)	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > RAP (RMAB) responsibilities: Pt 82(1)
1.5 upload to the National Register a list of mediators accredited by them under the NMAS and maintain the currency of that list;	Functions of Recognised Accreditation Providers (RAPs) 13 RAPs must: (1) Upload to the National Register the particulars of all mediators and specialist practitioners accredited by them (a) The particulars must comply with the specifications issued from time to time by the Code Administration Committee (2) Update the National Register and maintain the accuracy and currency of the particulars. As part of this RAPs must: (a) Remove from the National Register: (i) The names of mediators or specialist practitioners who have not had their accreditation renewed within two months of their accreditation expiry (ii) The names of mediators or specialist practitioners who have been granted leave of absence (iii) The names of mediators or practitioners whose accreditation has	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(1)(a)(2)(a)(i)(ii)(iii)(b)

	been suspended or cancelled (b) Notify the Code Administration Committee (or delegate) without delay of the details of each mediator or specialist practitioner who has been removed from the National Register	
1.6 pay to the MSB the registration fee as specified by the MSB in relation to each mediator accredited by the RMAB;	Pay to the Code Administration Committee, the National Register registration fee for each mediator or specialist practitioner it accredits	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(2)(d)
1.7 notify the MSB without delay of the details of each mediator who has been granted leave of absence or whose accreditation has been suspended by the RMAB; and	(ii) The names of mediators or specialist practitioners who have been granted leave of absence (iii) The names of mediators or practitioners whose accreditation has been suspended or cancelled	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(2)(a)(ii)(iii)
1.8 keep confidential the login identity and password issued by the MSB to their authorised representatives to enable the names of mediators accredited by them under the NMAS to be uploaded to the National Register.	Keep confidential the National Register login identity and password issued by the MSB to their authorised representatives	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(2)(c)
RMABs must not:	14 RAPs must not:	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 14
1.9 accredit a mediator under the NMAS who is already accredited under the NMAS by another RMAB.	RAPs (RMABs) must not accredit a mediator or specialist practitioner under the Code: (1) Who is already accredited under the Code by another RAP (RMAB), including applicants taking a Leave of Absence	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > RAP (RMAB) responsibilities: Pt 83(1)
1.10 upload to the National Register the names of mediators accredited under the NMAS by another RMAB.	Functions of Recognised Accreditation Providers (RAPs) RAPs must not: (1) Upload to the National Register the names of mediators or specialist practitioners accredited under the Code by another RAP.	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 14(1)
1.11 collect the MSB registration fee from a mediator who has been accredited under the NMAS by another RMAB.	Collect the National Register registration fee from a mediator or specialist practitioner who has been accredited under the Code by another RAP.	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(2)
1.12 nothing in this clause prevents an RMAB from including a mediator accredited by another RMAB on their internal list or panel of nationally accredited mediators.	a) Nothing in this clause prevents a RAP from including a mediator or specialist practitioner accredited by another RAP on their internal list or panel of nationally accredited mediators and specialist practitioners.	The draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 14(1)(a)
2 Mutual recognition	Mutual recognition and National Register check	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement 5 > Recognised Accreditation Providers > Mutual recognition and National Register check: Pt 84
2.1 Where an RMAB is required to recognise the national accreditation of a mediator accredited by another RMAB it may require that mediator to	69 Where an RAP (RMAB) is required to recognise the accreditation of a mediator or specialist practitioner accredited by another RAP (RMAB), the RAP:	The draft Code – ➤ Part 1: The Code - Requirements > The Code - Requirement

provide evidence of accreditation by the other RMAB together with a copy of their application materials to that other RMAB and to give permission for that other RMAB and the MSB to disclose information.

- (1) Must check the National Register to confirm the mediator or specialist practitioner's most recent RAP and their current accreditation status
- (2) May require that a mediator or specialist practitioner:
 - (a) Provide evidence of accreditation by the other RAP (RMAB) together with a copy of their application materials to that other RAP (RMAB); and
 - (b) Give permission for that other RAP (RMAB) and the CAC, MSB or Code-related delegate to disclose information.

5 > Recognised Accreditation Providers > Mutual recognition and National Register check: Pt 84(1)(2)(a)(b)

Part V: Register of Nationally Accredited Mediators	PROPOSED MODIFICATION OR CHANGE	LOCATION
1 The National Register	The National Register	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register
The National Register is the authoritative list of all mediators accredited under the NMAS. It enables consumers, advisers and referring agents to:	Why have a National Register? 7.The National Register is the authoritative list of practitioners who meet the requirements for inclusion as set out under the Code's Training and Accreditation Framework (TAF). It enables consumers, advisers and referring agents to: 2.2	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Why have a National Register?: Pt 7(1)(2)
1.1 check whether mediators are nationally accredited, and	(1) check whether mediators or specialist practitioners are accredited, and	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Why have a National Register?: Pt 7(1)
1.2 obtain details of the RMAB that has accredited them.	(2) obtain details of the Recognised Accreditation Provider (RAP) that has accredited them.	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Why have a National Register?: Pt 7(2)
2 Reminders from the National Register	Reminders from the National Register	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Administration of the National Register > Reminders from the National Register
Accredited mediators will receive automated reminders from the National Register when their accreditation is due for renewal.	15.Accredited mediators and specialist practitioners will receive automated reminders from the National Register when their accreditation is due for renewal.	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Administration of the National Register > Reminders from the National Register: Pt 15
3 Inclusion on the National Register	What does inclusion on the National Register signify? 8 Inclusion on the National Register signifies that the mediator or specialist practitioner accredited under the Code possesses specific professional attributes. These professional attributes fall within the four (4) areas of practice or domains set out below: (1) DOMAIN 1 – Professional Knowledge (a) Accredited mediators and specialist practitioners draw on a body of knowledge and research to inform their practice. (b) There are seven (7) attributes that fall within the Professional Knowledge Domain (i) See DOMAIN 1 – PROFESSIONAL KNOWLEDGE to view the attributes in full (2) DOMAIN 2 – Professional Skills (a) Accredited mediators and specialist practitioners facilitate non-determinative dispute resolution (NDR) processes designed to promote resolution within a range of contexts. This is where mediators and specialist practitioners put their professional knowledge to work.	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register >What does inclusion on the National Register Signify?: Pts 8(1)(a)(b)(i)(2)(a)(b)(i)(3)(a)(b)(i)(4)(a)(b)(i) (ie All of Pt 8)

	<p>(b) There are seven (7) attributes that fall within the Professional Skills Domain</p> <p>(i) See DOMAIN 2 – PROFESSIONAL SKILLS to view these attributes in full</p> <p>(3) DOMAIN 3 – Professional Ethics and Responsibilities</p> <p>(a) Accredited mediators and specialist practitioners engage ethically and professionally with clients and colleagues. In doing so, they foster public and institutional confidence in the field.</p> <p>(b) There are seven (7) attributes that fall within the Professional Ethics and Responsibilities Domain</p> <p>(i) See DOMAIN 3 – PROFESSIONAL ETHICS & RESPONSIBILITIES to view these attributes in full</p> <p>(c) The Code of Ethics sets out these attributes as a public-facing document and forms part of the COMPLAINTS HANDLING requirements set out in this Code.</p> <p>(i) See APPENDIX 3 - CODE OF ETHICS to view the Code of Ethics</p> <p>(4) DOMAIN 4 – Professional Development</p> <p>(a) Accredited mediators and specialist practitioners are reflective practitioners who value the opportunity to develop their expertise, support the development of others and contribute to the field.</p> <p>(b) There are three (3) attributes that fall within the Professional Development Domain.</p> <p>(i) see PROFESSIONAL ATTRIBUTES to view these attributes in full</p>	
<p>3.1 RMABs are responsible for uploading to the National Register, the particulars of all mediators accredited by them and maintaining the currency of that list.</p>	<p>Functions of Recognised Accreditation Providers (RAPs)</p> <p>12.RAPs are responsible for data entry and record-keeping within the National Register.</p> <p>13.RAPs must:</p> <p>(1) Upload to the National Register the particulars of all mediators and specialist practitioners accredited by them.</p> <p>(2) Update the National Register and maintain the accuracy and currency of the particulars.</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 12, 13(1), 14(2)
<p>3.2 The particulars must comply with the specifications issued from time to time by the MSB.</p>	<p>The particulars must comply with the specifications issued from time to time by the Code Administration Committee.</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(1)(a)
<p>3.3 The names of mediators who have not had their accreditation renewed within two months of their accreditation expiry date will no longer be included on the National Register.</p>	<p>(2) Update the National Register and maintain the accuracy and currency of the particulars. As part of this RAPs must:</p> <p>(a)Remove from the National Register:</p> <p>(i)The names of mediators or specialist practitioners who have not had their accreditation renewed within two months of their accreditation expiry</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of recognised Accreditation Providers (RAPs): Pt 13(2)(a)(i)

Part VI: Mediator Standards Board	PROPOSED MODIFICATION OR CHANGE	LOCATION
<p>1 The Mediator Standards Board</p>	<p>MSB</p> <p>The MSB's role will depend on the scope of application of the Code.</p> <p>The body responsible for establishing the Code and the founding member of the Code Administration Committee. MSB members include RMABs; professional, government, community and consumer organisations; and education and training providers. All MSB members are signatories to the Code.</p> <p>The function of the MSB under the Code</p> <p>62 The MSB:</p> <p>(1) Established the Code and is the founding member of the Code Administration Committee, the body responsible for ensuring the successful implementation and ongoing effectiveness of the Code. Within this context the MSB:</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Definitions and Abbreviations > Mediator Standards Board <p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 77(1)
<p>The MSB is responsible for the ongoing development, maintenance and review of the NMAS and the National Register. The MSB:</p>	<p>11. The MSB is responsible for the ongoing development, maintenance and review of the National Register. The MSB must:</p> <p>(1) Provide login identification and passwords to RAPs (including RMABs) and specifications regarding the uploading of particulars of accredited mediators and specialist practitioners to the National Register;</p> <p>(2) Carry out other functions and activities that are necessary or incidental to the above.</p> <p>(a) Is responsible for the ongoing development, maintenance and review of the and the National Register – for further details see: Administration of the National Register</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 1 > Administration of the National Register > Functions of the Mediator standards Board (MSB): Pt 11(1)(2) <p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 77(1)(a)
<p>1.1 amends the NMAS as required;</p>	<p>(d) Amends the Code as required;</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 77(1)(d)
<p>1.2 oversees the application of the Approval and Practice Standards with a view to achieving consistency, quality and public protection regarding mediation services and mediation accreditation;</p>	<p>Note: This does not align with the constitution which says:</p> <p>Objects of the company</p> <p>3(b)to oversee the application of the Standards with a view to achieving consistency, quality and public protection regarding mediation services and mediation training;</p> <p>Recommend MSB reconcile this, noting it also refers to the process of mediation rather than of mediators.</p> <p>(b) Oversees the application of Code's Training and Accreditation Framework with a view to achieving consistency, quality and public protection regarding:</p> <p>(i) mediator and specialist practitioner training</p> <p>(ii) mediator and specialist practitioner accreditation and</p> <p>(iii) services that provide mediation or specialist NDR;</p>	<p>The Draft Code –</p> <p>Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 76(1)(b)(i)(i)(iii)</p>
<p>1.3 supports, complements and encourages MSB members in their efforts to meet their responsibilities in relation to the Standards;</p>	<p>(c) Supports, complements and encourages MSB members (and other signatories) in their efforts to meet their responsibilities in relation to the Code;</p>	<p>The Draft Code –</p> <ul style="list-style-type: none"> ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the

		Code: Pt 77(1)(c)
1.4 promotes progressive development in the training and accreditation of mediators and the quality of mediation services;	(2) Promotes progressive development in the: (a) Training of mediators and specialist practitioners (b) Accreditation of mediators and specialist practitioners (c) Quality of mediation and specialist NDR services	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 77(2)(a)(b)(c)
1.5 requires records to be maintained of mediators who are accredited under the Standards;	Functions of Recognised Accreditation Providers (RAPs) 12 RAPs are responsible for data entry and record-keeping within the National Register.	The Draft Code – Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Administration of the National Register > Functions of Recognised Accreditation Providers (RAPs): Pt 12
1.6 provides login identification and passwords to RMABs and specifications regarding the uploading of particulars of accredited mediators to the National Register;	(1) Provide login identification and passwords to RAPs (including RMABs) and specifications regarding the uploading of particulars of accredited mediators and specialist practitioners to the National Register;	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 1 > National Register: Administration of the National Register > Functions of the Mediator Standards Board: Pt 11(1)
1.7 carries out other functions and activities that are necessary or incidental to the above.	(3) Carries out other functions and activities that are necessary or incidental to the above.	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > The function of the MSB under the Code: Pt 77(3)
2 Members of the MSB	Members of the MSB	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78
Members comprise organisations from the following classes whose membership has been approved by the MSB in accordance with its Constitution:	63 Members of the MSB: (1) Must be approved by the MSB in accordance with its Constitution (2) Are, by virtue of their MSB membership, deemed to be signatories to the Code (3) Must belong to one of the following classes of membership:	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(1)(2)(3)
2.1 RMABs;	(a) Recognised Accreditation Providers (RAPs) – also formerly known as RMABs (i) See Recognised Accreditation Providers below	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(a)(i)
2.2 professional organisations that are not RMABs and have at least 30 mediator members accredited under the NMAS;	(c) Professional organisations that are not RMABs and have at least 30 mediator members accredited under the Code;	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(c)
2.3 national or state representative organisations that have three or more RMAB members;	National or state representative organisations that have three or more RAP (RMAB) members;	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(d)
2.4 organisations that provide training that meets the training requirement contained in Section 2.4 of the Approval Standards to at least 25 participants per year;	(b) Recognised Training Providers (RTPs) (i) see Recognised Training Providers below What is a Recognised Training Provider (RTP)? 5 A Recognised Training Provider is a signatory organisation authorised under the Code to provide training in accordance with the requirements of the Code. This includes, but is not limited to: (1) Initial mediator training as set out in the Code’s Training and Accreditation Framework (TAF) (2) Any other type of training as set out under the Code	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(b)(i) The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Recognised Training Providers > What is a Recognised Training Provider (RTP)?: pt 85(1)(2)

2.5 Commonwealth, State or Territory government agencies with ADR expertise nominated by the relevant Commonwealth or State Attorney-General's Department, or equivalent, that are not otherwise RMABs;	Commonwealth, State or Territory government agencies with ADR expertise nominated by the relevant Commonwealth or State Attorney-General's Department, or equivalent, that are not otherwise RMABs	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(e)
2.6 community or state-based mediation organisations that are not RMABs;	(f) Community or state-based mediation organisations that are not RMABs;	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(f)
2.7 consumer organisations that use, but do not provide, mediation services; and	(g) and Consumer organisations that use, but do not provide, mediation services;	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(g)
2.8 such other bodies recognised by the MSB from time to time.	(h) such other bodies recognised by the MSB from time to time.	The Draft Code – ➤ Part 1: The Code Requirements > The Code – Requirement 5 > Mediator Standards Boards > Members of the MSB: Pt 78(3)(h)

ⁱ 'Guidelines for developing effective voluntary industry codes of conduct', *Australian Competition and Consumer Commission* (Webpage) <<https://www.accc.gov.au/publications/guidelines-for-developing-effective-voluntary-industry-codes-of-conduct>>

ⁱⁱ 'Intersectionality resource guide and toolkit', *UN Women* (Webpage, 2021) <<https://www.unwomen.org/en/digital-library/publications/2022/01/intersectionality-resource-guide-and-toolkit>>

ⁱⁱⁱ 'Uncitral Notes on Mediation', *The Singapore Convention* (Webpage) Key Documents <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/V21/022/68/PDF/V2102268.pdf?OpenElement>>

^{iv} 'Guide to Enactment and the Use of Model Law', *The Singapore Convention* (Webpage) Key Documents, para 9 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/V21/021/41/PDF/V2102141.pdf?OpenElement>>

^v 'AQF Levels and Criteria', *Australian Qualifications Framework* (Webpage, 2013) AQF Level 8 Criteria <<https://www.aqf.edu.au/framework/aqf-levels#aqf-level-8-criteria>>

^{vi} 'The AQF Second Edition January 2013', *Australian Qualifications Framework* (Webpage) <<https://www.aqf.edu.au/framework/australian-qualifications-framework>>