

# National Mediator Accreditation System (NMAS)

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## Part I - Introduction

### Purpose

The NMAS promotes quality, consistency and accountability of NMAS accredited mediators within the diversity of mediation practice in Australia. It informs participants in mediation (participants) about what they can expect of a NMAS accredited mediator.

### Application

These Standards apply when a person is seeking accreditation in relation to and conducting mediation processes as defined in Section 2 of the *Practice Standards*.<sup>1</sup> When a person practises as a mediator in other contexts, such as hybrid, blended or statutory environments, additional requirements relevant to that context may apply.

### Role of mediators in a mediation process

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.

### Structure

The NMAS comprises the following:

- *Approval Standards* which specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation
- *Practice Standards* which specify the minimum practice and competency requirements of a NMAS accredited mediator
- *Recognised Mediator Accreditation Bodies (RMABs)* which accredit mediators according to the *Approval* and *Practice Standards*
- The *Register of Nationally Accredited Mediators (National Register)* which is the authoritative list of NMAS accredited mediators
- The *Mediator Standards Board (MSB)*, which oversees the NMAS. Members of the MSB comprise RMABs; professional, government, community and consumer organisations; and education and training providers.

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<sup>1</sup> Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:

- (a) communicate with each other, exchange information and seek understanding
- (b) identify, clarify and explore interests, issues and underlying needs
- (c) consider their alternatives
- (d) generate and evaluate options
- (e) negotiate with each other; and
- (f) reach and make their own decisions.

## Part II – Approval Standards

### 1 Application

1.1. The *Approval Standards* apply to any person seeking accreditation (an applicant) and to a mediator who is already accredited under the NMAS.

1.2. The *Approval Standards*:

- (a) specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation
- (b) should be read in conjunction with the Practice Standards (Part III of the NMAS), with which NMAS accredited mediators must also comply.

### 2 Approval requirements for accreditation

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:

- (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;
- (b) disclose if they have been disqualified from any type of professional practice;
- (c) disclose any criminal conviction;
- (d) disclose any impairment that could influence their capacity to discharge their obligations in a competent, honest and professional manner;
- (e) disclose if they have ever been refused NMAS accreditation or accreditation renewal or had their accreditation suspended or cancelled.
- (f) comply with the *Approval Standards* and *Practice Standards*, with any relevant legislation, professional standards and any other requirements that may be relevant to them;
- (g) pay the MSB registration fee in accordance with their RMAB's practices;
- (h) become and remain a member of an RMAB or a member or employee of an organisation with a relevant ethical code or standard and a complaints and disciplinary procedure that can address complaints against mediators;
- (i) acknowledge that an RMAB can disclose information about them to the MSB and the MSB can release it to other RMABs upon request; and
- (j) be covered by relevant professional indemnity insurance or have statutory immunity.

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.

2.3 The training requires:

- (a) a training course of a minimum of 38 hours in duration which may be conducted as a single course or in modules over a period of up to 24 months;
- (b) a training team of at least two trainers in which the principal trainer has more than three years' experience both as a NMAS accredited mediator and as a trainer;
- (c) sufficient coaches for each trainee to be observed performing the role of mediator by different coaches in two simulated mediations each of at least 1.5 hours in duration;
- (d) coaches who are accredited as mediators under the NMAS and have at least two years or 50 hours mediation experience and who provide written feedback to the trainees they have observed;
- (e) each trainee participating in at least nine simulated mediations, in at least three of which they perform the role of mediator;
- (f) content that includes the knowledge, skills and ethical principles articulated in the *Practice Standards*.

2.4 The assessment requires:

- (a) an applicant, at a minimum, performing the role of a mediator in a simulated mediation of at least 1.5 hours;
- (b) an assessor observing a simulation (in real time or digitally or video recorded for later observation) without providing any coaching to the applicant during the simulated mediation;
- (c) an assessor who is a NMAS accredited mediator with at least 3 years mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team;
- (d) assessment criteria reflecting the knowledge, skills and ethical principles articulated in the *Practice Standards*;
- (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;
- (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.

2.5 An applicant may alternatively meet the requirements for training and assessment by providing evidence to an RMAB of:

**(a) Comparable training and assessment**

- (i) having completed a mediator training course which is at least comparable to the training course described in Section 2.3; and
- (ii) having been found competent in the assessment as described in Section 2.4.

**OR**

**(b) Experience, education and assessment**

- (i) providing evidence to an RMAB of having conducted at least 100 hours of mediation, and otherwise met the continuing accreditation requirements described in Section 3 below within the two years prior to application; and
- (ii) providing two references attesting to the mediator's competence; and
- (iii) having completed mediator training, supervision or education to the satisfaction of the RMAB; and
- (iv) having been found competent in the assessment as described in Section 2. 4.

**OR**

**(c) CALD knowledge, experience and assessment**

- (i) 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
- (ii) providing two references attesting to the mediator's competence; and
- (iii) having been found competent in the assessment as described in Section 2. 4

2.6 An applicant who meets the requirements of this Standard will be accredited for two years.

### **3 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.

3.2 A mediator must have conducted at least 25 hours of mediation, co-mediation or conciliation within the two-year cycle.

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.

- 3.4 Renewal of accreditation in terms of Section 3.3 cannot be sought or granted for more than three consecutive renewals.
- 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:
- (a) Participating in Education (up to 20 hours)**  
This means participating in formal structured activities such as training seminars and workshops (up to 20 hours) or attending conferences (up to 15 hours)
  - (b) Reflecting on Practice (up to 15 hours)**  
This means receiving professional supervision or coaching or participating in structured peer-based reflection on mediation cases
  - (c) Providing Professional Development (up to 15 hours)**  
This means delivering presentations on mediation or related topics, including two hours of preparation time for each hour delivered, or providing professional supervision, assessment, coaching or mentoring of mediator trainees and mediators
  - (d) Credit for related professional CPD (up to 10 hours)**  
This means hours of CPD completed to maintain professional licensing or accreditation related to their mediation practice, such as in law or in the behavioural or social sciences or in the professional field in which they mediate, such as building or engineering.
  - (e) Learning from Practice (up to 8 hours)**  
This means participating in up to four mediations as a client representative or in a formal learning capacity (up to 2 hours per mediation) or role-playing for trainee mediators and candidates for mediator assessment (up to 2 hours per simulation).
  - (f) Self-directed Learning (up to 5 hours)**  
This means private study such as reading, listening to or viewing pre-recorded content such as podcasts, or writing articles or books relevant to mediation that are published in recognised journals or by recognised publishers.
  - (g) Other (up to 5 hours)**  
This means such other activities as may be approved by the MSB on application by an RMAB.
- 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.
- 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).
- 3.8 A mediator must meet these requirements within two months of the due date for renewal of accreditation or their accreditation automatically lapses.
- 3.9 CPD hours relied upon for any one renewal of accreditation must not be used for any subsequent renewal of accreditation.

## 4 Leave of absence

- 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.
- 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.
- 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.
- 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.

## 5 Suspension

- 5.1 Where a mediator is significantly non-compliant with the *Approval and Practice Standards* 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.
- 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.
- 5.3 The MSB may on request disclose information received under Section 5.2 to another RMAB.

## 6 Re-instatement of accreditation

- 6.1 An applicant seeking re-instatement after a period of leave of absence or lapsed or suspended accreditation, must:
  - (a) disclose the date from which they were first granted accreditation under the NMAS and specify the period of leave of absence or the date upon which their accreditation lapsed or was suspended;
  - (b) meet the approval requirements set out in Sections 2.1 above;
  - (c) provide evidence to an RMAB that they have met the accreditation renewal requirements described in Section 3 above in the two years immediately prior to seeking re-instatement;
  - (d) where the practice requirement in Section 3.2 or Section 3.3 has not been met, undertake supplementary practical training, coaching and/or assessment, as approved by the RMAB, to address the shortfall;

(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.

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.

6.3 Re-instatement of accreditation in terms of Section 6.2 cannot be granted more than once in every four years.

## **7 Waiver by MSB**

In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the *Approval Standards* on application by an RMAB



## Part III – Practice Standards

### 1 Application

1.1 The *Practice Standards* apply to NMAS accredited mediators.

1.2 The *Practice Standards*:

- (a) specify the minimum practice and competency requirements of a NMAS accredited mediator;
- (b) inform participants and others about what they can expect of the mediation process and of a NMAS accredited mediator; and
- (c) should be read in conjunction with the *Approval Standards* (Part II of the NMAS), with which a NMAS accredited mediator must also comply.

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.

### 2 The mediation process

2.1 A mediator uses the knowledge, skills and ethical principles referred to in Part III Section 10.1 of the NMAS to assist participants to make their own decisions in relation to disputes, conflicts or differences among them.

2.2 Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator:

- (a) communicate with each other, exchange information and seek understanding
- (b) identify, clarify and explore interests, issues and underlying needs
- (c) consider their alternatives
- (d) generate and evaluate options
- (e) negotiate with each other; and
- (f) reach and make their own decisions.

A mediator does not evaluate or advise on the merits of, or determine the outcome of, disputes.<sup>2</sup>

### 3. Conducting mediation: Preliminary conference or intake

3.1 In the preliminary conference or intake the mediator must ensure that participants are provided with the following:

- (a) a description of mediation and the steps involved including the use of joint sessions, separate sessions and shuttle negotiations;
- (b) information on how to provide feedback or lodge a formal complaint in relation to the mediator.

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<sup>2</sup> For a mediator using a blended process, which may involve the provision of advice see Section 10.2 of the Practice Standards.

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

### 3.2 The preliminary conference or intake includes:

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

## 4. Conducting mediation: The mediation meeting

4.1 The mediation meeting will ordinarily include a joint session of the participants in which the participants communicate directly with each other to identify, clarify and explore interests, issues and underlying needs. The mediation meeting may also include separate sessions and shuttle negotiations.

4.2 A mediator may adjourn the mediation meeting and conduct the mediation over multiple meetings and in different locations.

4.3 The mediation meeting may conclude whether or not the participants have reached an agreement.

## 5. Conducting mediation: Suspending or terminating

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:

- (a) a participant is unable or unwilling to participate or continue in the mediation
- (b) a participant is misusing the mediation
- (c) a participant is not engaging in the mediation in good faith
- (d) the safety of one or more participants may be at risk

- 5.2 A mediator should, where possible, advise of their intention to suspend or terminate the mediation
- 5.3 If terminating the mediation, the mediator where appropriate, should encourage the participants to consider alternative procedures for achieving resolution.

## **6. Power and safety**

- 6.1 A mediator must be alert to changing balances of power in mediation and manage the mediation accordingly.
- 6.2 A mediator must consider the safety and comfort of participants and where necessary take steps, which may include:
- (a) agreeing guidelines to encourage appropriate conduct;
  - (b) activating appropriate security protocols;
  - (c) using separate sessions, communication technology or other protective arrangements;
  - (d) having a participant's friend, representative or professional advisor attend mediation meetings;
  - (e) providing participants with information about other services or resources; and
  - (f) suspending or terminating the mediation with appropriate steps to protect the safety of participants.

## **7 Procedural fairness and impartiality**

- 7.1 A mediator must conduct the mediation in a fair, equitable and impartial way, without favouritism or bias in act or omission.
- 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.
- 7.3 A mediator must not mediate in cases involving a conflict of interest without the informed consent of the participants, and then only if, in the mediator's view, the conflict would not impair his or her impartial conduct of the process.
- 7.4 A mediator must support participants to reach agreements freely, voluntarily, without undue influence and on the basis of informed consent.
- 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.
- 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.
- 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.

## **8. Ethical conduct and professional relations**

- 8.1 A mediator must mediate only where they have the competence to do so.
- 8.2 A mediator must not use information obtained in mediation for personal gain or advantage.
- 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.
- 8.4 A mediator should encourage participants to consider the interests of any vulnerable stakeholders.
- 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.
- 8.6 A mediator may liaise with other relevant professionals with permission from the relevant participant.
- 8.7 A mediator should extend professional courtesy to other professionals engaged by the participants.
- 8.8 A mediator should, where possible, engage in professional debriefing, peer consultation and mentoring of less experienced mediators.

## **9 Confidentiality**

- 9.1 A mediator must respect the agreed confidentiality arrangements relating to participants and to information provided during the mediation, except:
  - (a) with the consent of the participant to whom the confidentiality is owed; or
  - (b) where non-identifying information is required for legitimate research, supervisory or educational purposes; or
  - (c) when required to do otherwise by law;
  - (d) where permitted to do otherwise by ethical guidelines or obligations;
  - (e) where reasonably considered necessary to do otherwise to prevent an actual or potential threat to human life or safety.
- 9.2 Before holding separate sessions with different participants, a mediator must inform participants of the confidentiality which applies to these sessions.
- 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.
- 9.4 A mediator is not required to retain documents relating to a mediation, although they may do so should they wish, particularly where duty-of-care or duty-to-warn issues are identified.
- 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.

## 10 Knowledge, skills and ethical principles

10.1 A mediator, consistent with the *Approval Standards*, must have the knowledge and skills, and an understanding of the ethical principles, outlined below:

### (a) Knowledge

- (i) the nature of conflict, including the dynamics of power and violence.
- (ii) the circumstances in which mediation may or may not be appropriate.
- (iii) preparing for mediation; assessing suitability; preliminary conferencing or intake.
- (iv) communication patterns in conflict and negotiation.
- (v) negotiation dynamics in mediation, including manipulative and intimidating tactics.
- (vi) cross-cultural issues.
- (vii) the principles, stages and functions of the mediation process.
- (viii) the roles and functions of mediators.
- (ix) the roles and functions of support persons, lawyers and other professionals in mediation.
- (x) the law relevant to mediators and to the mediation process.

### (b) Skills

- (i) preparation for and dispute diagnosis in mediation.
- (ii) intake and screening of participants and disputes to assess mediation suitability.
- (iii) the conduct and management of the mediation process.
- (iv) communication skills, including listening, questioning, reflecting, reframing and summarising, as required for the conduct of mediation.
- (v) negotiation techniques and the mediator's role in facilitating negotiation and problem-solving.
- (vi) ability to manage high emotion, power imbalances, impasses and violence.
- (vii) use of separate meetings.
- (viii) reality-testing proposed outcomes in light of participants' interests, issues, underlying needs and long-term viability.
- (ix) facilitating the recording of the outcome of the mediation.

### **(c) Ethical Principles**

- (i) competence, integrity and accountability
- (ii) professional conduct
- (iii) self-determination
- (iv) informed consent
- (v) safety, procedural fairness and equity in mediation including withdrawing from or terminating the mediation process
- (vi) impartiality including the avoidance of conflicts of interest
- (vii) confidentiality privacy and reporting obligations
- (viii) honesty in the marketing and advertising of mediation and promotion of the mediator's practice

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:

- (a) obtain consent from participants to use the blended process;
- (b) ensure that within the professional area in which advice is to be given, they
  - (i) have current knowledge and experience;
  - (ii) hold professional registration, membership, statutory employment or their equivalent, and
  - (iii) are covered by current professional indemnity insurance or have statutory immunityand
- (c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination.

## **11 Charging for services**

- 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.
- 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 mediation.
- 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.

## **12 Provision of information and promotion of services**

- 12.1 A mediator must accurately represent their qualifications and experience and how they conduct their mediations.
- 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.

- 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.
- 12.4 A mediator accredited under the National Mediator Accreditation System is entitled to use the following descriptor and post-nominal: Accredited Mediator NMAS.

### **13 Waiver by MSB**

In exceptional circumstances the MSB may, conditionally or otherwise, waive compliance with any provision of the *Practice Standards* on application by an RMAB.

## Part IV: Recognised Mediator Accreditation Bodies

### 1 RMAB Qualifications

In order to accredit a mediator in accordance with the NMAS, RMABs must have:

- 1.1 financial membership of the MSB;
- 1.2 the capacity and expertise to assess whether training, education, assessment and CPD undertaken by applicants for accreditation or renewal of accreditation meet the respective requirements specified in the *Approval Standards*;
- 1.3 the ability to provide or refer members to CPD activities as outlined in Section 3.5 of the *Approval Standards*;
- 1.4 a complaints system that meets the *Benchmarks for Industry-based Customer Dispute Resolution Schemes*, or the ability to refer a complaint to a scheme that has been established by statute;
- 1.5 sound governance structures, financial viability and appropriate administrative resources;
- 1.6 sound record-keeping in respect of mediators accredited under the NMAS; and
- 1.7 at least 10 mediators accredited under the NMAS who are bona fide members, panellists or employees

### 2 RMAB responsibilities

RMABs must:

- 2.1 recognise the NMAS accreditation of a mediator currently accredited under the NMAS by another RMAB;
- 2.2 upload to the National Register a list of mediators accredited by them under the NMAS and maintain the currency of that list;
- 2.3 pay to the MSB the registration fee as specified by the MSB in relation to each mediator accredited by the RMAB;
- 2.4 notify the MSB without delay of the details of each mediator who has been granted leave of absence or whose accreditation has been suspended by the RMAB; and
- 2.5 keep confidential the login identity and password issued by the MSB to their authorised representatives to enable the names of mediators accredited by them under the NMAS to be uploaded to the National Register.

RMABs must not:

- 2.6 accredit a mediator under the NMAS who is already accredited under the NMAS by another RMAB.
- 2.7 upload to the National Register the names of mediators accredited under the NMAS by another RMAB.
- 2.8 collect the MSB registration fee from a mediator who has been accredited under the NMAS by another RMAB.



2.9 nothing in this clause prevents an RMAB from including a mediator accredited by another RMAB on their internal list or panel of nationally accredited mediators.

### **3 Mutual recognition**

Where an RMAB is required to recognise the national accreditation of a mediator accredited by another RMAB it may require that mediator to provide evidence of accreditation by the other RMAB together with a copy of their application materials to that other RMAB and to give permission for that other RMAB and the MSB to disclose information.

## Part V: Register of Nationally Accredited Mediators

### **1 The National Register**

The National Register is the authoritative list of all mediators accredited under the NMAS. It enables consumers, advisers and referring agents to:

- 1.1 check whether mediators are nationally accredited, and
- 1.2 obtain details of the RMAB that has accredited them.

### **2 Reminders from the National Register**

Accredited mediators will receive automated reminders from the National Register when their accreditation is due for renewal.

### **3 Inclusion on the National Register**

- 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.
- 3.2 The particulars must comply with the specifications issued from time to time by the MSB.
- 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.

## Part VI: Mediator Standards Board

### 1 The Mediator Standards Board

The MSB is responsible for the ongoing development, maintenance and review of the NMAS and the National Register. The MSB:

- 1.1 amends the NMAS as required;
- 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;
- 1.3 supports, complements and encourages MSB members in their efforts to meet their responsibilities in relation to the Standards;
- 1.4 promotes progressive development in the training and accreditation of mediators and the quality of mediation services;
- 1.5 requires records to be maintained of mediators who are accredited under the Standards;
- 1.6 provides login identification and passwords to RMABs and specifications regarding the uploading of particulars of accredited mediators to the National Register;
- 1.7 carries out other functions and activities that are necessary or incidental to the above.

### 2 Members of the MSB

Members comprise organisations from the following classes whose membership has been approved by the MSB in accordance with its Constitution:

- 2.1 RMABs;
- 2.2 professional organisations that are not RMABs and have at least 30 mediator members accredited under the NMAS;
- 2.3 national or state representative organisations that have three or more RMAB members;
- 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;
- 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;
- 2.6 community or state-based mediation organisations that are not RMABs;
- 2.7 consumer organisations that use, but do not provide, mediation services; and
- 2.8 such other bodies recognised by the MSB from time to time.