

MSB – Chair’s Report – AGM 2020

Firstly, I wish to acknowledge the traditional owners of the lands that we each join this AGM from. I would also like to acknowledge the Board Directors that come before my time and thank them for the path they have forged for well over a decade now.

It is a pleasure and honour to deliver my first report as Chair of the Mediator Standards Board.

I would like to begin by acknowledging the year we have all had and are still having. I am impressed and grateful for how well the board and our member organisations have been able to adapt and continue to do their important work.

Never has it been more vital for mediators to be well skilled, experienced, and supported. The impact of a global pandemic on workplaces, business arrangements, families, and mental wellbeing has seen many mediators working very hard to assist people through difficult and vulnerable conversations. Lockdown and working-from-home has also seen a rise in people attending mediation courses online, to upskill and/or change career paths.

This year has impacted the way that the Board has worked together. Like everyone else, our meetings have transitioned to Zoom, and our plates have been full. Over the previous 12 months we have met as a full Board 15 times – 7 full-day meetings (2 in person and 5 virtually) and 8 evening meetings (all virtual/online). In between there have been sub-committee meetings, email circulations and updates.

Our remit has remained at the forefront - Developing the NMAS and supporting our member organisations in the implementation of the NMAS. I will be providing an overview of what we have been focusing on shortly.

Before I do so, I want to acknowledge the very hard work of our member organisations and of my fellow Board Directors during this time.

Our members, who are predominantly Recognised Mediator Accreditation Bodies and Training Organisations, have worked incredibly hard this year. The MSB has witnessed swift and impressive movement towards the delivery of mediator training and CPD online, and great support for NMAS mediators to adapt to online platforms. Throughout, the MSB has received many communications from members that have demonstrated a commitment to ensuring that any changes in service delivery are in keeping with the NMAS. The Board has considered each question raised and worked to be responsive and supportive. The MSB thanks our member organisations for their work this year.

Our member queries are directed to our Secretariat, Jenny Watson. I want to thank Jenny for her initiative and her pragmatic approach to supporting members and the Board this year. We would indeed be quite lost without her.

I would also like to extend my sincere gratitude to my fellow Board Directors. Each Director is a volunteer, and a very busy professional separately to the Board. Despite this, their commitment to

the development of mediators, the integrity of the system, and to consumer awareness and protection is something I feel very blessed to be around. I value what each person brings to the Board. I value their support of me in the role of Chair. I value the commitment to projects that support our members and their mediators. I value the knowledge, respect, and compassion that they each bring to the table (or this year to the screen). Thank you.

It is also important that I acknowledge Greg Rooney, who is retiring from the Board at this AGM. Greg has been a wonderful contributor during his time on the Board. Greg is passionate and committed, and he has a unique ability to climb out of the minutia and see the big picture. His thoughtful challenges and his energy have made us a better Board. Thank you Greg.

This year we also see an increase in nominations for a position on the Board. This is wonderful to see, and I thank each person who has put their name forward. MSB Directors are elected by our member organisations, and I am grateful for the considered way in which they approach this voting process. I point this out specifically, because the role of MSB Director can be a challenging one. Time aside, the role requires Board Directors to step away from their positions in organisations and to be conscious of any conflicts of interest. It is important for Directors to be able to step away from politics and from advocating for any one group, and instead focus on advocating for the industry, from within the remit of the MSB - To consider all mediators, contexts, organisations, and consumers. The ability to do this makes for an informed and cohesive Board. We do not always have the same perspectives, which is healthy and important, but we do have thorough conversations that allow for well-considered decisions.

MSB Membership & NMAS Accreditation:

Before I move on to an outline of key projects, it is useful to establish the size and scope of the NMAS community in October 2020:

- NMAS Accredited Mediators on National Register: 3681
- MSB Member Organisations: 46
 - RMABs – 38 (22 of which also provide mediator training/assessment)
 - Training Organisations – 7
 - Other – 1
- New MSB Member Organisations (2020): 4
 - Southern Cross University School of Law & Justice – Training Organisation
 - Northern Territory Alternative Dispute Resolution – RMAB and Training Organisation
 - NSW Small Business Commissioner (Mediation Services Team) – Organisation Member
 - Global Professional Development - Training Organisation

MSB Projects & Communications:

The sense of community that the MSB brings together has allowed us to achieve a number of things this year, and I will now move on to some of our key projects and accomplishments:

1. **NMAS Marketing Campaign:** This year we engaged an independent marketing consultant to assist us in a 12 week marketing campaign. The campaign aimed to raise awareness of mediator accreditation, and the importance of selecting a NMAS accredited mediator. The focus was on the training, competency assessment, and experience required for accreditation and maintaining accreditation. The focus also extended to the importance of insurance and the consumer protection offered by the NMAS complaints handling mechanism. The campaign included advertisements showing the NMAS certification trademark and posing the question: *“Is your mediator nationally accredited? Find out here”*. The campaign also included sponsored articles in Lawyers Weekly, Property Council of Australia, Australian Corporate Counsel Association, and Human Resources Manager. The results of this campaign have exceeded expectations. For example:
 - Click through rates on digital advertising and articles have significantly exceeded marketing averages;
 - Website traffic has increased significantly;
 - Website traffic has particularly increased on our member page – where people go to find a training and/or accrediting body;
 - Member organisations report increased enquiries regarding accreditation and mediator training.

2. **Resources for Member Organisations:** The Board has focused heavily on supporting our members and their mediators during 2020. Despite the pandemic, or perhaps in spite of it, I would say that our connection with members has strengthened this year. Included are:
 - The creation of Covid-19 Guidelines for Online Training;
 - Development of Guidelines for Coaching (Role-Plays);
 - Guidelines for Recognition of Overseas Training;
 - Additional FAQs on the MSB website;
 - Regular MSB newsletters;
 - Presenting at the National Mediation Conference’s Mini-Conference;
 - Presenting on Mediator Standards at International Association of Lawyers;
 - Running the first (of more to come) webinars for NMAS trainers, coaches, and assessors;
 - Speaking at member AGMs and Chapter events;
 - Responding to increased questions/queries from members and the broader mediation community;
 - Submissions to support accreditation as essential criteria when selecting mediators or creating legislation/codes of conduct that include dispute resolution clauses.

It is important to the Board that we continue to add value to being part of the NMAS and MSB community.

3. **Commitment to Diversity:** In the past the MSB has appointed directors for a period of up to 12 months. Appointments are generally made when the Board identifies a gap in knowledge or representation that would assist the Board to support the NMAS community. One of the challenges in this approach comes from the assumption that 1 person can

represent the concerns of many. Obviously, this can be problematic. In 2020 the Board made a decision to trial a new approach, starting with the establishment of a Northern Territory Reference Group. The idea behind this is to incorporate diverse views and to create a conversation that can inform the Board, on an ongoing basis, of important considerations. Unfortunately, the progress we would have liked to see has been stifled by the inability to travel. However, this reference group, and others that may be formed over time, will add incredible value to the NMAS review process.

4. **Review of the NMAS:** Included in the objectives of the MSB is the responsibility to develop, maintain and amend the NMAS and to support, complement and encourage members in their efforts to meet their objectives in relation to the NMAS. In other words, the MSB is obligated to ensure that the NMAS evolves with the times. It is over 6 years since the last review was instigated and almost 5 years since the launch of the revised NMAS. Feedback from MSB members and mediators supports the revised version of the NMAS as an improvement on its predecessor. This is also the goal of this review.
- On 3rd March 2020 the MSB released a Request for Tender to review the National Mediator Accreditation System. It was a priority for the Board that we engage an independent consultant with sound methodology. The Board went through a thorough procurement process and ultimately engaged Resolution Resources. This was announced via a media release on 31st August 2020.
 - It is important to note that this current review does not equate to a re-write. Over the past 2-3 years in particular, the MSB has facilitated forums in which members and mediators have highlighted some of the drafting shortfalls of the current NMAS. The MSB has tried to overcome these via the FAQ section of our website and the creation of guidelines for our member organisations. Part of this current process will involve reviewing the NMAS so that it is consistent with these FAQs and guidelines.
 - The past 5-6 years have also seen much development and work in conciliation and other dispute resolution practices. We see the NMAS as the essential foundation for a variety of dispute resolution processes and practices and it is important to ensure that the NMAS recognises and includes this variety.
 - The review is therefore an opportunity to address any shortcomings or gaps in implementation of the current standards, to create consistency across MSB communications and common practice, and to be inclusive of other dispute resolution practices that incorporate the skills, knowledge and ethical principles of the NMAS.
 - The review will involve broad consultation. It is an important and exciting opportunity for us all to be engaged with. The process will involve surveys, workshops, and reference groups - all being carefully designed by Resolution Resources in consultation with the MSB.

- Resolution Resources will collate data in order to prepare a “final draft” of the proposed changes to the NMAS for consideration by the MSB. The process in its entirety is likely to take 12 months.

We are really keen to see you all be part of this. We will continue to update you via newsletters and via a dedicated website – www.nmasreview.com.au . We are referring to the website as a “rolling newsletter” focused solely on the Review. It is a work-in-progress and will develop as the review process unfolds. We are pleased to announce its launch and we invite you to visit the site as it evolves.

We will also be providing updates via our newly established LinkedIn profile. We encourage you to connect and subscribe to both the website and our LinkedIn page.

- 5. Further Support for the NMAS Community:** The methodology for the review process provides the opportunity to develop an evidence-base for mediator accreditation. The data that will be collected will also inform the development of further projects being considered by the MSB, including:

- Support of research that is linked with the development of the NMAS; and
- The establishment of online resources that support the development of mediator experience and contribute to CPD requirements.

I want to conclude this report by saying what a genuine pleasure it has been to serve the NMAS community this year as MSB Chair. It is not a responsibility that I take lightly. I value each conversation that I have with members, stakeholders, and the Board. My motivation to join the Board back in 2014 remains the same today - to give back to an industry that has given so much to me. I am passionate about supporting quality mediation services and the development of mediators in Australia. It is important work that we do in this space and it is vital that we have the requisite training, assessment and accreditation processes to support the professionalisation of mediators.

It is an exciting and busy year ahead. I look forward to working with the new Board, our member organisations, and the broader dispute resolution community in 2021.

Thank you.