



APPLICATION TO BECOME ACCREDITED UNDER THE VOLUNTARY AUSTRALIAN NATIONAL MEDIATOR ACCREDITATION SYSTEMⁱ AS A MEDIATOR

PERSONAL DETAILS

NAME	
ADDRESS	
PHONE	
FAX	
EMAIL	

Do you hold a current practising certificate? Yes No

Do you have at least five years experience as a legal practitioner? Yes No

Have you ever been disqualified from practicing by a professional body? Yes No

If so, provide details. _____

Have you ever been removed or suspended from acting as a mediator by any accrediting body? Yes No

If so, provide details. _____

Do you have the experience, training and education that equip you with the skills, knowledge and understanding set out in the core competencies referred to in the Australian National Mediator Practice Standards.ⁱⁱ Yes No

If so, provide details. _____

Have you completed a training course that complies with the requirements detailed in section 5 of the National Approval Standards.ⁱⁱⁱ Yes No

Provide details of the training course that you attended and the date and attach evidence (certificate of attendance).

Attach evidence showing that you have participated in a 1.5 hour demonstration where your skills were assessed in writing to be of a competence standard as detailed in s.5(2) of the Approval Standards.



BAR ASSOCIATION
OF QUEENSLAND

I have read and understand my obligations under:

- the Australian National Mediator Standards, Approval Standards, for mediators seeking approval under the national mediator accreditation system, September 2007 (“**Approval Standards**”); and
- the Australian National Mediator Standards, Practice Standards, for mediators seeking approval under the national mediator accreditation system, September 2007 (“**Practice Standards**”) ^{iv}

I undertake to comply with the Approved Standards, the Practice Standards and any relevant legislation.

I certify that the contents of this Application are true and correct to the best of my knowledge.

SIGNATURE _____ **DATE:** _____

(Endnotes)

i http://www.wadra.law.ecu.edu.au/pdf/Final%20%20Approval%20Standards_200907.pdf.

ii **7 Competence**

Mediators must be competent and have relevant skills and knowledge.

- (1) Mediators should seek regular professional debriefing. The purpose of debriefing is to address matters relating to skills development, conceptual and professional issues, ethical dilemmas, and to ensure the ongoing emotional health of mediators. Debriefing can take place following a solo mediation, a co-mediation, in groups or through independent sessions with another experienced mediator.
- (2) Mediators should also participate in continuing professional development training. Where possible, mediators should also participate in programs of peer consultation and should help train and mentor the work of less experienced mediators.
- (3) Mediators should be competent and have the capacity to apply knowledge, skills and an ethical understanding and commitment in the areas listed below. Mediators demonstrate competence by showing that they have the requisite knowledge and skills and can apply them. Mediators are required to ensure that ongoing professional development is focused on achieving and maintaining competencies including:

a) **KNOWLEDGE**

In areas including, but not limited to:

- i) The nature of conflict, including the dynamics of power and violence.
- ii) The appropriateness or inappropriateness of mediation.
- iii) Pre-mediation preparation, screening and intake.
- iv) Communication patterns in conflict and negotiation situations.
- v) Negotiation dynamics in mediation.
- vi) Cross-cultural issues in mediation and dispute resolution.
- vii) The principles, stages and functions of a 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 of mediation on confidentiality, enforceability of mediated agreements and liability of mediators.

b) **SKILLS**, including, but not limited to:

- i) Preparation and dispute diagnosis in mediation.
- ii) Intake and screening of both the parties and the dispute to assess suitability for mediation.
- iii) Conduct and management of the mediation process.
- iv) Appropriate communication skills, including listening, questioning, reflecting and summarising, required for the conduct of mediation.
- v) Negotiation techniques and the mediator's role in facilitating negotiation and problem-solving.
- vi) Mediator interventions appropriate for standard difficulties in mediation
- vii) Potential responses to high emotion, power imbalances and violence.
- viii) Use of separate meetings and shuttle mediation.
- ix) Asking questions about or in appropriate circumstances, drafting of mediated agreements.

c) **ETHICAL UNDERSTANDINGS** in relation to:

- i) The avoidance of conflicts of interest.
- ii) Marketing and advertising of mediation.
- iii) Confidentiality, privacy and reporting obligations.
- iv) Neutrality and impartiality.
- v) Fiduciary obligations.
- vi) Supporting fairness and equity in mediation.
- vii) Withdrawal from and termination of the mediation process.

iii **5 Threshold Training and Education Requirements**

(1) Unless 'experience qualified' (see Section 5 (3) below), from 1 January 2008, a mediator must have completed a mediation education and training course that:

- a) is conducted by a training team comprised of a at least two instructors where the principal instructor[s] has more than three years' experience as a mediator and has complied with the continuing accreditation requirements set out in Section 6 below for that period and has at least three years' experience as an instructor; and
- b) has assistant instructors or coaches with a ratio of one instructor or coach for every three course participants in the final coached simulation part of the training and where all coaches and instructors are accredited; and
- c) is a program of a minimum of 38 hours in duration (which may be constituted by more than one mediation workshop provided not more than nine months has passed between workshops), excluding the assessment process referred to in

Section 5(2) below; and

- d) involves each course participant in at least nine simulated mediation sessions and in at least three simulations each course participant performs the role of mediator; and
- e) provides written, debriefing coaching feedback in respect of two simulated mediations to each course participant by different members of the training team.

(2) Unless 'experience qualified' (see Section 5(3) below), from 1 January 2008, a mediator must also have completed to a competent standard. a written skills assessment of mediator competence that has been undertaken in addition to the 38-hour training workshop referred to above , where mediator competence in at least one

1.5 hour simulation has been undertaken by either a different member of the training team or a person who is independent of the training team. The written assessment must reflect the core competency areas referred to in the Practice Standards. The final skills assessment mediation simulation may be undertaken in the form of a video or DVD assessment with role players, or as an assessed exercise with role players. The written report must detail:

- a) the outcome of the skills assessment (in terms of competent or not yet competent); and
- b) relevant strengths and how they were evidenced; and
- c) relevant weaknesses and how they were evidenced; and
- d) relevant recommendations for further training and skills development.

iv For the definition of “continuing professional development” see Approval Standard 6(a)(b). www.wadra.law.ecu.edu.au/pdf/Final%20%20Approval%20Standards_200907.pdf. Note that the continued professional development must be in the field of mediation.

The Standards require that a mediator must have completed at least 20 hours of Continuing Professional Development in every two year cycle that can be made up as follows:

- (i) attendance at continuing professional development courses, educational programs, seminars or workshops on mediation or related skill areas as referred to in the Competencies (see the Practice Standards (up to 20 hours);
- (ii) external supervision or auditing of the clinical practice (up to 15 hours);
- (iii) presentations at mediation or ADR seminars or workshops including 2 hours of preparation time for each hour delivered (up to 16 hours);
- (iv) representing clients in four mediations (up to a maximum of 8 hours);
- (v) coaching, instructing or mentoring of trainee and/or less experienced mediators (up to 10 hours);
- (vi) role playing for trainee mediators and candidates for mediation assessment or observing mediations (up to 8 hours);
- (vii) mentoring of less experienced mediators and enabling observational opportunities (up to 10 hours).