

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 about what they can expect of NMAS accredited mediators.

Application

These Standards apply when mediators are seeking accreditation in relation to and conducting mediation processes as defined in Section 2 of the *Practice Standards*.¹ When mediators practise in other contexts, such as hybrid, blended or statutory environments, additional requirements may apply.

Role of mediators in a mediation process

Mediators use recognised knowledge, skills and ethical principles to assist participants in mediation 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 for NMAS accredited mediators and for their renewal of accreditation
- *Practice Standards* which specify the practice requirements for NMAS accredited mediators
- *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.

¹ 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 and to mediators who are already accredited under the NMAS.
- 1.2. NMAS accredited mediators must also comply with the *Practice Standards* (Part III).

2 Approval requirements for accreditation

- 2.1 Applicants for accreditation (applicants) must be of good character and possess appropriate personal qualities and experience to conduct a mediation process independently, competently and professionally. Applicants 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; and
 - (e) disclose if they have ever been refused NMAS accreditation or accreditation renewal or had their accreditation suspended or cancelled.
- 2.2 Applicants for accreditation must undertake to:
 - (a) comply with the *Approval Standards* and *Practice Standards*, with any relevant legislation, professional standards and any other requirements that may be relevant to them;
 - (b) pay the MSB registration fee in accordance with their RMAB's practices;
 - (c) become and remain a member of an RMAB or a member or employee of an organisation with a complaints and disciplinary procedure that can address complaints against mediators; and
 - (d) be covered by appropriate professional indemnity insurance
- 2.3 Applicants for accreditation must have completed a training programme which at least meets the requirements set out in Section 2.4 and must have met the assessment requirement set out in Section 2.5, or must have fulfilled the alternative training and assessment requirements set out in Section 2.6.
- 2.4 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, accredited as mediators under the NMAS and with at least two years or 50 hours mediation experience, to ensure that each trainee is observed performing the role of mediator by a different coach in each of two simulated mediations of at least 1.5 hours and receives written feedback from that coach;
 - (d) each applicant participating in at least nine simulated mediations, in at least three of which they perform the role of mediator.
 - (e) content that includes the knowledge, skills and ethical principles articulated in the *Practice Standards*.

2.5 The assessment requires:

- (a) Each applicant at a minimum to perform the role of a mediator in a simulated mediation of at least 1.5 hours within 6 months preceding the application;
- (b) The simulated mediation being either observed in real time, or being video or digitally recorded for later observation, by an assessor;
- (c) An assessor who is a NMAS accredited mediator with at least 4 years mediation experience and with no conflict of interest with respect to the candidate and who is independent of the training team;
- (d) An assessor observing a simulation without providing any coaching to the candidate during the simulated mediation;
- (e) Assessment criteria reflecting the knowledge, skills and ethical principles articulated in the *Practice Standards*
- (f) An applicant being found competent by an assessor using an assessment form to document the extent to which an applicant has met or has not met the assessment requirements and to provide written feedback on the applicant's performance and indicate the assessment outcome.
- (g) Unless it is impracticable, a copy of the assessment form being supplied to the candidate prior to the conduct of the assessment.

2.6 Applicants for accreditation² 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 2.4; and
 - (ii) having been found competent in the assessment as described in Section 2. 5.

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. 5.

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. 5

2.7 Applicants who meet the requirements of this Standard will be accredited for two years.

² This includes those, such as Family Dispute Resolution Practitioners, practising under another accreditation system.

3 Accreditation renewal requirements

- 3.1 Accredited mediators seeking renewal of accreditation must satisfy the approval requirements set out in Section 2.1 and 2.2 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 Mediators must have conducted at least 25 hours of mediation, co-mediation or conciliation within the two-year cycle.
- 3.3 Mediators who have not met the requirement in 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 3.5 below, to address the shortfall.
- 3.4 Renewal of accreditation in terms of clause 3.3 cannot be sought or granted for more than two consecutive renewals.
- 3.5 Mediators 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) 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)
 - (e) 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.
 - (f) Other (up to 5 hours)
This means such other activities as may be approved by the MSB on application by an RMAB.
- 3.6 Mediators who do 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 Accredited mediators seeking temporary 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 that 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 that mediator's name from the National Register for the period of leave and the mediator must comply with the requirements of Section 6 below in order to have their accreditation re-instated.

5 Suspension or cancellation

- 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 temporarily or cancel a mediator's accreditation
- 5.2 An RMAB must notify the MSB without delay of the details of mediators whose accreditation it has suspended or cancelled and must remove that mediator's name from the National Register for the period of suspension or cancellation.
- 5.3 The MSB may on request disclose information received under section 5.2 to another RMAB.

6 Re-instatement of accreditation

- 6.1 Mediators 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 and 2.2 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 3.3 has not been met, undertake supplementary practical training, coaching and/or assessment, as approved by the RMAB, to address the shortfall.
- 6.2 Accreditation will be re-instated from the date upon which the relevant RMAB assesses the mediator 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

The MSB, conditionally or otherwise, may in exceptional circumstances, on application by an RMAB, waive compliance with any provision of these *Approval Standards*.

Part III – Practice Standards

1 Application

- 1.1 The *Practice Standards* apply to mediators who are accredited under the NMAS.
- 1.2 The *Practice Standards*:
 - (a) specify the minimum practice and competency requirements for mediators;
 - (b) inform participants and others about what they can expect of the mediation process and of mediators; and
 - (c) should be read in conjunction with the Approval Standards (Part II), with which NMAS accredited mediators must also comply.
- 1.3 Where it is not practicable for a mediator to comply with both a provision of these *Practice Standards* and a provision of a legislative or professional scheme within which the mediation is being conducted, the latter provision will prevail.

2 The mediation process

- 2.1 Mediators use recognised knowledge, skills and ethical principles to assist participants in mediation to make their own decisions in relation to disputes, conflicts or differences among them.
- 2.2 The mediation process promotes the self-determination of participants and enables them, with the support of the mediator to:
 - (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.

Mediators do not evaluate or advise on the merits of, or determine the outcome of, disputes.³

³ Some mediators may use a blended process, such as advisory or evaluative mediation or conciliation, which may involve the provision of expert information and advice by mediators with appropriate expertise. Such mediators must adhere to the knowledge and experience requirements specified in section 8.2 of these *Practice Standards*, as well as other relevant standards.

3. Conducting mediation

Preliminary

- 3.1 Mediators must ensure that participants are provided with a description of mediation and of how they will be conducting the process. This may take place in a pre-mediation or intake process and may be conducted by a different person to the mediator.
- 3.2 A pre-mediation or intake process includes:
- (a) Deciding whether mediation is appropriate 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) Clarifying the terms and form of any agreement to enter into the process, including provisions concerning confidentiality, costs and how they are to be paid. If there is no written agreement, the mediator should record the participants' understanding as to their entry into the process, confidentiality and any reporting obligations of the mediator.
 - (c) Identifying as far as practicable who will participate in the mediation process and to what extent the participants will have authority to settle.
 - (d) Providing participants with a copy of the *National Mediator Accreditation System*, or advising where and how it can be accessed.
 - (e) Assisting the participants, as appropriate, to prepare for the process, including consideration of whether any advice or information needs 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 each person attending the mediation, as appropriate, about all participants' roles in the mediation, including the role of any advisors, support persons or interpreters.
 - (h) Advising the participants about how they or the mediator can suspend or terminate the mediation.
 - (i) Gaining each participant's commitment, as far as practicable, to the mediation process.
 - (j) Settling venue, timing and other practical issues.
- 3.3 If a mediator practises in another professional discipline, he or she must inform the participants that he or she cannot provide professional services or advice in that other discipline without their express consent.

Commencing and continuing the mediation meeting

- 3.4 Mediators should ordinarily commence with a joint meeting of all participants.
- 3.5 Mediators may conduct the mediation process through the use of joint meetings, separate meetings and shuttle negotiations, and these options should be discussed with the parties and their advisors.
- 3.6 Mediators may adjourn mediation sessions and conduct the mediation over multiple meetings and in different locations.

Concluding, suspending or terminating the mediation

- 3.7 Mediations may conclude whether or not the participants have reached an agreement on the issues in dispute.
- 3.8 Mediators must suspend or terminate the process if they reasonably believe that:
- (a) a participant is unable or unwilling to participate or continue in the process
 - (b) a participant is misusing the mediation process
 - (c) a participant is not engaging in the process in good faith.
- 3.9 Mediators may otherwise suspend or terminate mediation for what appear to them to be good or proper reasons, including where mediators believe that proposed agreements are unconscionable or where they believe there is no prospect of agreement. Mediators should, where possible, provide reasonable notice of termination to the participants.
- 3.10 If terminating or withdrawing from a mediation process, the mediator should encourage the parties to consider further process options for dealing with their dispute.

4. Power dynamics

- 4.1 Mediators must be alert to changing balances of power in mediation and manage the mediation process accordingly.
- 4.2 Mediators must consider the safety and comfort of participants and where necessary take appropriate measures, 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) enabling a friend, representative or professional advisor to attend mediation sessions;
 - (e) referring the participants to appropriate services or resources; and
 - (f) suspending or terminating the mediation session, with appropriate steps to protect the safety of the participants.

5 Procedural Fairness and Impartiality

- 5.1 Mediators must conduct the mediation in a fair, equitable and impartial way, without favouritism or bias in act or omission.
- 5.2 Mediators 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.
- 5.3 Mediators 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.
- 5.4 Mediators must support participants to reach agreements freely, voluntarily, without undue influence and on the basis of informed consent.
- 5.5 Mediators must provide all participants with opportunities to speak to and be heard by one another in the mediation, and to articulate their respective needs, interests and concerns.
- 5.6 Mediators must encourage and support negotiations which focus on the participants' respective needs, interests and concerns.
- 5.7 Mediators 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.

- 5.8 Mediators must encourage participants to assess any proposed agreements with reference to the participants' needs, interests and concerns and their long-term viability.
- 5.9 Mediators may suspend or terminate the mediation process where they believe a participant is not acting in good faith or is otherwise unable or unwilling to participate in the process.

6. Ethical Conduct and professional relations

- 6.1 Mediators must not mediate unless they have the necessary competence to do so and to satisfy the parties' reasonable expectations.
- 6.2 Mediators must not use information obtained in mediation for personal gain or advantage.
- 6.3 Mediators should provide alternatives if recommending referrals to other practitioners and services.
- 6.4 Mediators must adhere to, and be familiar with, the code of conduct or ethical standards prescribed by a professional organisation or association with which they have membership.
- 6.5 Mediators must encourage participants, insofar as practicable, to consider the interests of any vulnerable stakeholders to the process or any outcome.
- 6.6 Mediators must withdraw from or terminate mediation where it is no longer productive or is causing threats to personal safety.
- 6.7 Mediators must, when appropriate, encourage mediation participants to obtain other professional support or advice but should refrain from recommending the services of particular other professionals.
- 6.8 Mediators should liaise with other professionals with whom a mediation participant is involved and must obtain permission from that participant to do so.
- 6.9 Mediators must show courtesy to other professionals involved in the mediation process.
- 6.10 Mediators should where possible engage in professional debriefing, peer consultation and mentoring of less experienced mediators.

7 Confidentiality

- 7.1 Mediators must respect the agreed confidentiality arrangements relating to the 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 so by law, and then with as much notice to participants as practicable; or
 - (d) Where permitted by ethical guidelines or requirements;
 - (e) Where the mediator considers it reasonably necessary to prevent an actual or potential threat to human life or safety.
- 7.2 Before holding separate sessions with different participants, mediators must inform participants of the confidentiality which applies to these sessions.
- 7.3 With a participant's consent, mediators may discuss the mediation, or any proposed agreement, with that participant's advisors or appropriate third parties.
- 7.4 Mediators are 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.

7.5 Mediators must take care to preserve confidentiality in the storage and disposal of written and electronic notes and records of mediations and must take steps to ensure that office and administrative staff preserve such confidentiality.

8 Knowledge, skills and ethical principles

8.1 Mediators, in accordance 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) Pre-mediation preparation, screening and intake.
- (iv) Communication patterns in conflict and negotiation situations.
- (v) Negotiation dynamics in mediation, including manipulative and intimidating tactics.
- (vi) Cross-cultural issues in negotiation and mediation.
- (vii) The principles, stages and functions of the mediation process.
- (viii) The appropriate 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) Relevant 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) Mediator interventions appropriate for standard difficulties in mediation.
- (vii) Potential mediator responses to high emotion, power imbalances and violence.
- (viii) Use of separate meetings and shuttle mediation.
- (ix) Reality-testing the extent to which proposed outcomes meet participants' needs and interests and long-term viability.
- (x) Relevant reality-testing about the implementation of agreed outcomes; and
- (xi) The recording of mediated agreements, or facilitating the recording of them.

(c) Ethical Principles

- (i) The avoidance of conflicts of interest
- (ii) Honesty in the marketing and advertising of mediation and promotion of the mediator's practice
- (iii) Confidentiality, privacy and reporting obligations
- (iv) Independence and impartiality in conducting the process
- (v) Supporting fairness and equity in mediation
- (vi) Withdrawal from and termination of the mediation process

- 8.2 Where mediators use a blended process such as advisory or evaluative mediation or conciliation, which involves the provision of expert information and advice, mediators must:
- (a) Obtain consent from participants prior to mediation to use the blended process;
 - (b) Ensure that within the professional area in which advice is to be given, they
 - (i) have sufficient knowledge and experience, and
 - (ii) hold professional registration, membership, statutory employment or their equivalent.
 - (c) Ensure that the expert information or advice is provided in a manner that maintains and respects the principle of self-determination.

9 Charging for services

- 9.1 Before mediation commences, mediators must disclose to participants in writing details of fees or charges payable for the mediation and must obtain agreement from participants as to how fees and expenses will be shared between them.
- 9.2 Mediators must not charge fees based on a percentage of any financial settlement included in the outcome of a mediation.
- 9.3 If any fees or charges paid in advance exceed fees or charges payable for the mediation, the excess must be returned promptly upon termination of the mediation.

10 Provision of information and promotion of services

- 10.1 In any promotional or marketing context, mediators must accurately represent their qualifications and experience and explain their approach to conducting mediations.
- 10.2 Mediators must not guarantee results or outcomes from the mediation process or make statements likely to create false expectations about favourable results.
- 10.3 Mediators may use de-identified information about any evaluation of their mediation practice that could assist participants to better understand the mediation services they offer.
- 10.4 Mediators must provide participants with contact details of their accrediting RMAB and with information on how they can submit positive or negative feedback in relation to the mediation.
- 10.5 Mediators accredited under the *National Mediator Accreditation System* are entitled to use the following descriptor and post-nominal: Accredited Mediator NMAS.

11 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 mediators 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, 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;
- 1.7 more than 10 mediator members accredited under the NMAS.

2 RMAB responsibilities

RMABs must:

- 2.1 recognise for purposes of NMAS compliance any mediators 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 mediators who have been granted leave of absence or whose accreditation has been suspended or cancelled 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 Accredite 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 RMABs are required to recognise as nationally accredited mediators accredited by another RMAB they may request such mediators to provide evidence of accreditation by the other RMAB together with a copy of their application to that RMAB.

Part V: The 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 names of all mediators accredited by them and maintaining the currency of that list.
- 3.2 The listing 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. 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 and facilitates access to accredited mediators through the National Register;
- 1.6 provides login identification and passwords to RMABs and specifications regarding the uploading of accredited mediators to the National Register;
- 1.7 carries out other functions and activities which are necessary or incidental to the above.

2 Members of the MSB

Members of the MSB include:

- 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, and
- 2.7 Consumer organisations that use, but do not provide, mediation services.
- 2.8 Such other bodies recognised by the MSB from time to time.