



The New South Wales Bar Association

ABN 18526 414 014

APPLICATION FOR ACCREDITATION OR RE-ACCREDITATION
AS A MEDIATOR
AUSTRALIAN NATIONAL MEDIATOR STANDARDS
AND
APPLICATION FOR APPOINTMENT TO THE DISTRICT COURT
MEDIATION LIST 2013-2014

Completed application forms must be returned to Jo Wilton at the Bar Association by
5pm Thursday 20 September 2012.

PLEASE NOTE IT WILL NOT BE POSSIBLE TO PROCESS LATE APPLICATIONS.

Before completing this form you need to familiarise yourself with the Australian National Mediator Standards, Approval Standards and Practice Standards, which are available on the Bar Association's website at <http://www.nswbar.asn.au> and ensure that you qualify for accreditation.

The information requested on this form will be used to process your application for accreditation as a mediator under the Australian National Mediator Standards and application for recommendation for appointment to the Bar Association's list of District Court mediators should you wish to apply for that list. If your application is successful, your name will be listed on the Bar Association's website.

**PART A: GENERAL INFORMATION – TO BE COMPLETED BY ALL
APPLICANTS**

MEDIATOR STATUS

- I am applying for accreditation with the NSW Bar for the first time and (optional) applying for the District Court Mediator List (complete Parts A, B or C, E & F)
- I was accredited or re-accredited as a mediator with the NSW Bar in 2010 and wish to be re-accredited and (optional) apply for the District Court Mediator List (complete Parts A, D, E & F)
- I was accredited or re-accredited as a mediator with the NSW Bar in 2011 and wish to apply for the District Court Mediator List only (complete Parts A, E & F)

PERSONAL AND PRACTICE DETAILS

FAMILY NAME: _____ POST NOM: _____

GIVEN NAMES: _____

CHAMBERS: _____

DX: _____

CHAMBERS PH: _____ MOBILE: _____

E-MAIL: _____

GOOD CHARACTER REQUIREMENTS

- 1 Do you have the personal qualities and appropriate life, social and work experience to conduct the process of mediation independently and professionally?
YES NO If NO, please attach a written statement disclosing the matters.
- 2 Do you have any serious conviction or impairment that could influence your capacity to discharge your obligations in a competent, honest and appropriate manner?
YES NO If YES, please attach a written statement disclosing the matters.
- 3 Do you hold a current practising certificate issued by the NSW Bar Association?
YES NO
- 4 Do you have at least five years practice as a legal practitioner?
YES NO
- 5 Have you ever been disqualified from practising by a professional body?
YES NO If YES, please attach a written statement giving details.
- 6 Have you ever been removed or suspended from acting as a mediator by any accrediting body?
YES NO If YES, please attach a written statement giving details.

MEDIATOR ACCREDITATION FEE

(to be completed if you are applying for mediator accreditation or re-accreditation – but not if you are only applying for the District Court list)

The Mediator Standards Board has introduced a registration fee for nationally accredited mediators of \$100 inclusive of GST payable at the time of accreditation or re-accreditation for a two year period commencing after 1 March 2012. RMABs such as the Bar Association are required to collect the fee, retaining \$10 to contribute towards the costs of collection and to remit the remaining \$90 to the MSB. A mediator accredited with more than one RMAB will be required to pay the fee once only.

- 7 a. Are you currently accredited as a mediator with another Recognised Mediator Accreditation Body (RMAB) apart from the NSW Bar Association?
YES if yes, which RMAB? _____
NO
- b. If YES, have you paid the new \$100 fee to that RMAB as required by the Mediator Standards Board?
YES if yes, please attach a copy of your receipt to this application form so that you are not levied twice
NO if no, you will receive an invoice in October if you are accredited or re-accredited by Bar Council

COMPLIANCE UNDERTAKING

- 8 I have read and understood my obligations under both the:
- Australian National Mediator Standards, Approval Standards, for mediators seeking approval under the current national mediator accreditation system, ('Approval Standards'); and
 - Australian National Mediator Standards, Practice Standards, for mediators seeking approval under the current national mediator accreditation system ('Practice Standards').

YES NO

- 9 I undertake to comply with the Approval Standards, the Practice Standards and any relevant legislation.

YES NO

- 10 a. I understand that, if my application for accreditation, re-accreditation and/or appointment to the District Court list is successful, my accreditation or appointment to the Court for a period of two years is dependent upon my holding a practising certificate and professional indemnity insurance during that entire period.

YES NO

- b. I also understand if I am appointed to the District Court list for 2 years, my continued appointment depends upon my continued accreditation as a mediator by the Bar Association.

YES NO

Please ensure that you also complete the Agreement and Declaration on Page 9 after you have completed the Parts of this form appropriate to your situation

PART B: APPLICATION FOR ACCREDITATION AS A 'NEW' MEDIATOR

(Only complete this Part if you are applying for accreditation as a mediator for the first time and have limited experience)

COMPETENCE, TRAINING AND EDUCATION

Please refer to Section 7 of the Practice Standards and Section 5 of the Approval Standards

- 11 Have you completed a 5 day course of initial mediation training of at least 38 hours that complies with the requirements set out in s5 of the Approval Standards since 1 January 2008 or "top-up" training for a course undertaken before 1 January 2008 that enables you to comply with the National Standards?

YES NO If NO, you do not qualify to be accredited as a 'new' mediator.

12 If the answer to question 11 is YES, please provide the following details:

- name of course/s: _____
- name of provider/s: _____
- number of hours/days: _____
- date/s on which course/s were undertaken:

13 Please confirm that you have attached a copy of a certificate/s of completion of the training referred to in question 12 above.

YES NO If NO, provide reasons as to why this has not been provided

14 Do you have the knowledge, skills and ethical understandings required by Section 7 of the Practice Standards?

YES NO

15 Have you completed a mediator skills assessment involving at least a 1.5 hour simulation as required by section 5(2) of the Approval Standards?

YES NO If YES, please attach a copy of the mediator skills assessment. If you cannot provide this please explain why.

16 In order to qualify for accreditation you must be able to demonstrate some experience in mediation. The achievement of ten points during the course of the applicant's practice as a legal practitioner is required. For this purpose:

- having acted as a mediator constitutes three points per mediation;
- having acted as a co-mediator constitutes two points per mediation; and
- having represented a party at a mediation constitutes two points per mediation.

Have you obtained at least 10 points of experience in mediation in any of the situations outlined above?

NO If NO, you do not qualify for accreditation

YES If YES, please provide FULL details of how you have obtained the 10 points required:

**PART C: APPLICATION FOR ACCREDITATION AS AN
'EXPERIENCE QUALIFIED' MEDIATOR**

(Only complete this Part if you are applying for accreditation as a mediator for the first time and have extensive mediation experience)

COMPETENCE, TRAINING AND EDUCATION

Please refer to Section 7 of the Practice Standards and Section 5 of the Approval Standards

17 Have you completed a 3-5 day course of initial mediation training?

YES NO If you have answered NO, please attach to this form detailed reasons as to why, despite receiving no training, you should still be considered for accreditation.

18 If the answer to question 17 is YES, please provide the following details:

- name of course/s: _____
- name of provider/s: _____
- number of hours/days: _____
- date/s on which courses were undertaken: _____

19 Please confirm that you have attached a copy of a certificate/s of completion of the training referred to in question 18 above.

YES NO If NO, provide reasons as to why this has not been provided

20 Have you worked as a mediator prior to 1 September 2012?

YES NO If NO, you do not qualify to be accredited as an 'experienced qualified' mediator and should instead complete PART B above.

21 Do you have the knowledge, skills and ethical understandings required by Section 7 of the Practice Standards?

YES NO

22 Have you conducted at least 25 hours of mediation, co-mediation or conciliation in the last two years?

NO If NO, proceed to question 23

YES If YES, please provide the following and then proceed to question 25:

- number of hours as a mediator/conciliator (approximately): _____
- number of hours as a co-mediator/conciliator(approximately): _____

- details of the mediations or conciliations undertaken, including the nature of the dispute: _____

23 If your answer to question 22 is NO, have you conducted at least 10 hours of mediation, co-mediation or conciliation in the last two years?

YES NO

24 If you have conducted at least 10 hours of mediation, but less than 25 hours – please provide the reason for not undertaking at least 25 hours:

- initial mediation training undertaken only within last two years
- lack of work
- family, career or study break
- illness
- other (please specify) _____

25 Have you completed at least 20 hours of continuing professional development (as detailed in Approval Standard 6(1)(b)) in the last two years?

YES NO If NO, proceed to question 26

If YES, please state the number of hours you have completed for the following activities:

- attending continuing professional development courses, educational programs, seminars or workshops on mediation or related skill areas as referred to in Section 7 of the Practice Standards (up to 20 hours) _____
- representing clients in four mediations (up to 8 hours) _____
- presentations at mediation or ADR seminars or workshops, including 2 hours of preparation time for each hour delivered (up to 16 hours) _____
- mentoring less experienced mediators and enabling observational opportunities, or being mentored (up to 10 hours) _____
- coaching/instructing/mentoring trainee or less experienced mediators in training courses (up to 10 hours) _____
- role playing for trainee mediators and candidates for mediation assessment or observing mediations (up to 8 hours) _____
- external supervision/auditing of your mediation practice (up to 15 hours)

26 If you answered “no” to question 25, are you resident in a linguistically and culturally diverse community for which specialised skills and knowledge are needed and/or from a rural/or remote community where there is difficulty in attending mediation training courses?

YES NO

PART D: APPLICATION FOR RE-ACCREDITATION AS A MEDIATOR
(Only complete this Part if you were accredited or re-accredited by the Bar Association in 2010)

COMPETENCE, TRAINING AND EDUCATION

Please refer to Section 7 of the Practice Standards and Section 5 of the Approval Standards

27 Have you conducted at least 25 hours of mediation, co-mediation or conciliation in the last two years?

NO If NO, proceed to question 28

YES If YES, please provide the following and then proceed to question 30:

- number of hours as a mediator/conciliator (approximately): _____
- number of hours as a co-mediator/conciliator(approximately): _____
- details of the mediations or conciliations undertaken, including the nature of the dispute/s: _____

28 If your answer to question 27 is NO, have you conducted at least 10 hours of mediation, co-mediation or conciliation in the last two years?

YES NO

29 If you have conducted at least 10 hours of mediation, but less than 25 hours – please provide the reason for not undertaking at least 25 hours:

- initial mediation training undertaken only within last two years
- lack of work
- family, career or study break
- illness
- other (please specify) _____

30 Have you completed at least 20 hours of continuing professional development (as detailed in Approval Standard 6(1)(b)) in the last two years?

YES NO If NO, proceed to question 31

If YES, please state the number of hours you have completed for the following activities:

- attending continuing professional development courses, educational programs, seminars or workshops on mediation or related skill areas as referred to in Section 7 of the Practice Standards (up to 20 hours) _____
- representing clients in four mediations (up to 8 hours) _____
- presentations at mediation or ADR seminars or workshops, including 2 hours of preparation time for each hour delivered (up to 16 hours) _____
- mentoring less experienced mediators and enabling observational opportunities, or being mentored (up to 10 hours) _____
- coaching/instructing/mentoring trainee or less experienced mediators in training courses (up to 10 hours) _____
- role playing for trainee mediators and candidates for mediation assessment or observing mediations (up to 8 hours) _____
- external supervision/auditing of your mediation practice (up to 15 hours)

31 If you answered “no” to question 30, are you resident in a linguistically and culturally diverse community for which specialised skills and knowledge are needed and/or from a rural/or remote community where there is difficulty in attending mediation training courses?

YES NO

PART E: APPLICATION FOR APPOINTMENT TO THE DISTRICT COURT MEDIATOR LIST

(For appointment to the District Court mediator list you must be already accredited as a mediator by the Bar Association or applying for accreditation using this form)

32 I wish to apply for selection to the District Court mediator list:

YES NO

33 Areas of mediation practice (please tick the areas in which you practice):

- | | | | |
|------------------------------|--------------------------|-------------------------|--------------------------|
| Commercial | <input type="checkbox"/> | Defamation | <input type="checkbox"/> |
| Complex Personal Injury | <input type="checkbox"/> | Professional Negligence | <input type="checkbox"/> |
| Family Provision Claims | <input type="checkbox"/> | Construction | <input type="checkbox"/> |
| Property (Relationships) Act | <input type="checkbox"/> | | |

PART F – AGREEMENT AND DECLARATION

To be completed by ALL applicants

Please note:

The Bar Council requires applicants to bring to its attention any adverse circumstances, including circumstances that do or that may reasonably be expected to adversely affect the professional or community standing and good repute of the applicant, including any adverse findings by any disciplinary body, and convictions or bankruptcy proceedings or bankruptcy debt agreement/arrangements since the date of admission to practice.

You do not need to notify matters which you have already notified to the Bar Council.

- 34 Are there any adverse circumstances relevant to you being accredited as a mediator under the Australian National Mediator Standards and/or being recommended for appointment to the District Court mediator list?

YES NO If YES, please provide full details and attach them to this form

AGREEMENT

I understand that accreditation as a mediator under the Australian National Mediator Standards and/or appointment to the District Court mediator list is for a period of two years. I understand that I have the right after that period to apply for reaccreditation and/or reappointment.

I agree to the Association making enquiries about me concerning my fitness to be an accredited mediator and/or District Court mediator.

I undertake to notify, in writing, the Bar Council, if my name is included on the Bar Association's list of accredited mediators and/or District Court mediator list, if and when I become aware of any adverse circumstances within the extended meaning as referred to above.

I consent to my name being put forward to courts, tribunals, organisations or persons by the Bar Association for referral for mediations. By signing my name below, I give my consent to the Bar Association's sending my name forward in this manner.

YES NO

DECLARATION

I, _____ of _____

declare that the information and particulars set out in the above application true in substance and in fact to the best of my knowledge.

Signed: _____

Dated: _____

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Information about you is collected, stored, used and disclosed by the New South Wales Bar Association in accordance with the *Privacy Act 1988* (Cth).

CLOSING DATE FOR APPLICATIONS IS THURSDAY 20 SEPTEMBER 2012

Please send to Jo Wilton, Policy Lawyer, NSW Bar Association, DX 1204 Sydney