



NEW SOUTH WALES  
BAR ASSOCIATION

ABN 18526 414 014

APPLICATION FOR ACCREDITATION OR RE-ACCREDITATION  
AS A MEDIATOR (NMAS)  
AND  
APPLICATION FOR APPOINTMENT TO THE DISTRICT COURT  
MEDIATION LIST 2015-2016  
AND  
APPLICATION FOR APPOINTMENT TO THE FAMILY LAW SETTLEMENT  
SERVICE PANEL 2015-2016

Completed application forms must be returned to Jo Wilton at the Bar Association by  
5pm Thursday 25 September 2014  
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 Mediator Standards Board website at <http://www.msb.org.au/mediator-standards/standards> 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 National Mediator Accreditation System and application for recommendation for appointment to the District Court list of mediators and/or the Family Law Settlement Service Panel should you wish to apply for those lists. 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** (complete Parts A, B or C, E & F)
- I was accredited or re-accredited as a mediator with the NSW Bar in **2012 and wish to be re-accredited** (complete Parts A, D, E & F)
- I was accredited or re-accredited as a mediator with the NSW Bar in **2013 and wish to apply for the District Court Mediator List and/or the Family Law Settlement Service Panel only** (complete Parts A, E & F)

**PERSONAL AND PRACTICE DETAILS**

NAME: \_\_\_\_\_

CHAMBERS: \_\_\_\_\_

PHONE: \_\_\_\_\_

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 or Family Law Settlement Service Panel)

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. 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 and/or appointment to the Family Law Settlement Service Panel is successful, my accreditation or appointment to the Court or Panel 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 or Family Law Settlement Service Panel for a period of 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 11 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

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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:

Capacity: mediator/co-mediator/represented a party	Details and approx. date of mediation	Points
	<b>TOTAL POINTS</b>	

**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:

Capacity: mediator/co-mediator/conciliator	Details and approx. date of mediation	Hours

Capacity: mediator/co-mediator/conciliator	Details and approx. date of mediation	Hours
	<b>TOTAL HOURS</b>	

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 (**you must specify the number of hours**):

- 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

If yes, please provide details

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**PART D: APPLICATION FOR RE-ACCREDITATION AS A MEDIATOR**

*(Only complete this Part if you were last accredited or re-accredited by the Bar Association in 2012)*

**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:

Capacity: mediator/co-mediator/conciliator	Details and approx. date of mediation	Hours

	<b>TOTAL HOURS</b>	

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: COURT LISTS AND PANELS**

**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"/>		

**APPLICATION FOR APPOINTMENT TO THE FAMILY LAW SETTLEMENT SERVICE PANEL**

*For appointment to the Family Law Settlement Service Panel you must already be accredited as a mediator by the Bar Association or be applying for accreditation in this application. Alternatively, you may be a registered Family Dispute Resolution Practitioner (FDRP)*

- 34 I wish to apply for selection to the Family Law Settlement Service panel:

YES  NO

- 35 MEDIATOR STATUS

I am currently accredited as a mediator with the NSW Bar Association

I am seeking mediator accreditation in this application

I am a Family Dispute Resolution Practitioner

If yes, registration number \_\_\_\_\_

- 36 FAMILY LAW EXPERIENCE

Please address the following eligibility criteria in DETAIL (both **a. and b. must be addressed** and you may provide additional information on separate pages).

a. Demonstrated substantial involvement in the area of family law in the 3 years prior to application

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b. Demonstrated that the time devoted to this area of practice, in each year of the past 3 years, is not less than 25% of normal full-time practice.

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OR

If you are unable to meet the above criteria (for example, if you have had an illness or been on parental leave), but still wish to be considered for the FLSS Panel, please provide details of your family law mediation and litigation experience.

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**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.

37 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 or the Family Law Settlement Service Panel?

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 or the Family Law Settlement Service panel 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 or Family Law Settlement Service panel member.

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 and/or Family Law Settlement Service Panel, 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** (to be completed by ALL applicants)

I, \_\_\_\_\_

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 held by the New South Wales Bar Association about its members and holders of New South Wales Barristers' Practising Certificates is collected, stored, used and disclosed in accordance with the *Privacy Act 1988* (Cth) (the Act). The Association is committed to uphold the Australian Privacy Principles contained in the Act.

For further information on how the Association will collect, store and use personal information, and how an individual may obtain access to and where necessary correct their personal information, please see the Association Privacy Policy available at: <http://www.nswbar.asn.au/privacy-policy>

From time to time the Association may maintain these lists on external databases held in other jurisdictions. These 'Cloud' based applications, where used, only contain personal information already in the public domain concerning name, professional contact details and areas of expertise of relevant barristers. The information is publicly available via the Association Website (and in some instances available on other websites or publications).

**CLOSING DATE FOR APPLICATIONS IS THURSDAY 25 SEPTEMBER 2014**

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