



NEW SOUTH WALES
BAR ASSOCIATION

ABN 18526 414 014

**APPLICATION FOR ACCREDITATION OR RENEWAL OF ACCREDITATION
AS A MEDIATOR AND APPLICATION FOR APPOINTMENT TO
THE DISTRICT COURT MEDIATOR LIST
2017-2018**

Completed application forms must be returned in SOFT COPY (pdf format)
BY EMAIL to Megan Batchelor at the Bar Association mbatchelor@nswbar.asn.au
by 5pm Friday 30 September 2016
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 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.

Please note that revised Approval Standards and Practice Standards came into effect on 1 July 2015 and that you will need to comply with those revised Standards.

The information requested on this form will be used to process your application for accreditation or renewal of accreditation as a mediator under the National Mediator Accreditation System (NMAS) and application for recommendation for appointment to the District Court list of 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** OR I have been accredited in the past by the NSW Bar or another RMAB but my **accreditation lapsed two or more years ago** (complete Parts A, **B or C**, E & F)
- ☐ I was accredited or re-accredited as a mediator with the NSW Bar in **2014** and **wish to renew my accreditation** OR I was accredited as a mediator with the NSW Bar Association or another RMAB but my **accreditation lapsed less than two years ago** and I wish to renew (complete Parts A, D, E & F)
- ☐ I have **accreditation with another RMAB which is about to expire** and I am seeking re-accreditation through the NSW Bar Association (complete Parts A, D, E & F)
- ☐ I am **accredited as a mediator with another RMAB** and wish to be included on the NSW Bar Association's list of Mediators and the District Court Mediator List (complete Parts A, E & F)
- ☐ I was accredited or re-accredited as a mediator with the NSW Bar in **2015** and **wish to apply for the District Court Mediator List ONLY** (complete Parts A, E & F)

PERSONAL AND PRACTICE DETAIL

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 providing details.
- 2 Do you have any criminal convictions?

YES ☐ NO ☐ If YES, please attach a written statement disclosing the matters.
- 3 Do you have any 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.
- 4 Do you hold a current practising certificate issued by the NSW Bar Association?

YES ☐ NO ☐
- 5 Do you have at least five years practice as a legal practitioner?

YES ☐ NO ☐
- 6 Have you ever been disqualified from any type of professional practice?

YES ☐ NO ☐ If YES, please attach a written statement giving details.
- 7 Have you ever been refused NMAS accreditation or renewal of accreditation, or 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 renewal of accreditation – but not if you are ONLY applying for the District Court Mediator List)

The Mediator Standards Board requires payment of a registration fee for nationally accredited mediators of \$100 inclusive of GST payable at the time of accreditation or renewal of 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.

8 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 ☐

a. 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 your accreditation is renewed by Bar Council

COMPLIANCE UNDERTAKING

9 I confirm that I have read and understood my obligations under both the:

- revised NMAS Approval Standards; and
- the revised NMAS Practice Standards.

YES ☐ NO ☐

10 I undertake to comply with the revised Approval Standards, the revised Practice Standards and any relevant legislation.

YES ☐ NO ☐

a. I understand that, if my application for accreditation, renewal of accreditation and/or appointment to the District Court Mediator List is successful, my accreditation or appointment to the List 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 Mediator List for a period of 2 years, my continued appointment depends upon my continued accreditation as a mediator by the Association.

YES ☐ NO ☐

<p>Please ensure that you also complete the Agreement and Declaration in Part F below after you have completed the Parts of this form appropriate to your circumstances</p>
--

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 Sections 2.2 – 2.5 of the revised Approval Standards

If you answer NO to either questions 11 or 15, you do not qualify to be accredited as a 'new mediator'

- 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 s 2.3 of the Approval Standards or a mediator training course that is at least comparable to that described in s 2.3? (s 2.2)

YES ☐ NO ☐

- 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 and sufficient details of the course to establish that it either complies with s 2.3 or is at least comparable to the course described in s 2.3.

PLEASE NOTE THAT THE ONUS IS ON YOU TO ESTABLISH THIS.

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 s 10 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 s 2.4 of the Approval Standards? (s 2.2)

YES ☐ NO ☐

If YES, please attach a copy of the mediator skills assessment and provide sufficient information to establish that the assessment complies with s 2.4. If you cannot provide this, please attach a document explaining why.

16 In order to qualify for accreditation by the Association, 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
	TOTAL POINTS	

PART C: APPLICATION FOR ACCREDITATION AS AN EXPERIENCED MEDIATOR

*Only complete this Part if you are applying for accreditation as a mediator for the **first time**, have **extensive** mediation experience and fulfil the requirements of s 2.5(b) of the Approval Standards. If you do not fulfil the requirements of s 2.5(b) but believe that you may qualify for accreditation under s 2.5(c) through your experience and knowledge of the unique values and traditions within a culturally and linguistically diverse community, please answer questions 26 - 28*

COMPETENCE, TRAINING AND EDUCATION

Please refer to s 3 of the revised Approval Standards.

If you answer NO to both questions 21 and 22, you do not qualify to be accredited as an ‘experienced qualified’ mediator and should instead consider completing PART B above.

17 Have you conducted at least 100 hours of mediation prior to making this application? (s 2.5(b)(i))

YES ☐ NO ☐ If YES, please provide details of the mediations conducted on the form below (adding additional pages as necessary) and then proceed to Question 18.

If NO, please proceed to Question 26.

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

18 If you answered Yes to question 17, have you conducted at least 25 hours of mediation, co-mediation, or conciliation *in the last two years?* (s 2.5 (b) (i) and s 3.2)

NO □ If NO, proceed to question 19.

YES ☐ If YES please provide details of the mediations conducted on the form below (adding additional pages as necessary) and then proceed to question 21.

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

19 If your answer to question 18 is NO, have you conducted at least 10 hours of mediation, co-mediation or conciliation *in the last two years?* (s 3.3)

YES ☐ If YES, please provide details of the mediation, co-mediation or conciliation in the form below and then proceed to question 20.

NO ☐ If NO, proceed to question 26.

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

20 If your answer to Question 19 is Yes (i.e., you have conducted at least 10 hours of mediation, but less than 25 hours) please provide the reason for not conducting at least 25 hours (s 3.3):

- ☐ initial mediation training undertaken only within last two years
- ☐ lack of work opportunities
- ☐ family, career or study break
- ☐ illness
- ☐ residence in non-urban or culturally and linguistically diverse (CALD) community
- ☐ other (please specify)_____

Are you willing to attend such supplementary training or assessment as the Bar Association considers necessary in order to address the shortfall between the hours of mediation you have conducted and the 25 hours required? (s 3.3) **Please note that renewal of accreditation in terms of s 3.3 cannot be sought or granted for more than 3 consecutive renewals (s 3.4)**

YES ☐ NO ☐

If NO, please proceed to question 26.

If YES, please proceed to Question 21.

21 Have you completed at least 25 hours of continuing professional development (as detailed in s 3.5 of the revised Approval Standards in the **last two years**)? (s 2.5(b)(i))

NO ☐ If NO, proceed to question 26.

YES ☐ If YES, please state the number of hours you have completed for the following activities (**you must specify the number of hours**) and then proceed to question 22.

- attending continuing professional development courses, educational programs, training seminars or workshops on mediation or related skill areas as referred to in s 10 of the Practice Standards (up to 20 hours) (s 3.5(a)) _____
- receiving professional supervision or coaching or participating in structured peer-based reflection on mediation cases (up to 15 hours) (s 3.5(b)) _____
- 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) (up to 8 hours) (s 3.5(e)) _____
- presentations on mediation or related topics, including 2 hours of preparation time for each hour delivered, or providing professional supervision, coaching or mentoring of mediator trainees and mediators (up to 15 hours) (s 3.5(c)) _____
- attending CPD to maintain your practising certificate (up to 10 hours) (s 3.5(d)) _____
- private study such as reading, listening to or viewing pre-recorded content, or writing articles or books relevant to mediation that are published in recognised journals or by recognised publishers (up to 5 hours) (s 3.5(f)) _____

22 Have you completed a mediator skills assessment involving at least a 1.5 hour simulation as required by s 2.4 of the Approval Standards? (s2.5(b)(iv))

YES ☐ If YES, please proceed to Question 23.

NO ☐ If NO, please proceed to Question 26.

23 If YES to Question 22, please attach a copy of the mediator skills assessment and provide sufficient information to establish that the assessment complies with s 2.4. If you cannot provide this, please attach a document explaining why and then proceed to Question 24.

24 With regard to Question 23, please give details of the mediator training, supervision or education that you have completed. Then proceed to Question 25. If you have not completed any mediator training, supervision or education, you do not qualify for NMAS accreditation.

25 Please confirm that you have attached to this form 2 references attesting to your competence as a mediator. (s 2.5(b)(ii))

YES ☐ NO ☐

If YES, please proceed to Part E of this form.

If NO, you do not qualify for NMAS accreditation.

CALD knowledge, experience and assessment: s 2.5(c)

26 If you believe that you possess appropriate experience and knowledge of the unique values and traditions within in a culturally and linguistically diverse community with which you identify 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?

NO ☐ YES ☐

If YES, please provide evidence of that experience and knowledge in a document attached to this form.

27 Please confirm that you have attached to this form 2 references attesting to your competence as a mediator. (s 2.5(c)(ii))

YES ☐ NO ☐

28 Have you completed a mediator skills assessment involving at least a 1.5 hour simulation as required by s 2.4 of the Approval Standards? (s2.5(c)(iii))

YES ☐ NO ☐

If YES, please attach a copy of the mediator skills assessment and provide sufficient information to establish that the assessment complies with s 2.4. If you cannot provide this, please attach a document explaining why.

If NO, you do not qualify for NMAS accreditation.

PART D: APPLICATION FOR RENEWAL OF ACCREDITATION AS A MEDIATOR

(Only complete this Part if you were last accredited or re-accredited by the Bar Association in 2014 OR if you were previously accredited by the Bar Association or another RMAB and your accreditation lapsed less than two years ago)

COMPETENCE, TRAINING AND EDUCATION

Please refer to 3 of the Approval Standards

- 29 Have you conducted at least 25 hours of mediation, co-mediation or conciliation in the last two years? (s 3.2)

NO ☐ If NO, please complete the table below with details of the mediation experience you DO have and then proceed to question 30

YES ☐ If YES, please complete the table below and then proceed to question 33:

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

- 30 If your answer to question 29 is NO, have you conducted at least 10 hours of mediation, co-mediation or conciliation in the **last two years**?

YES ☐ NO ☐

If YES, please proceed to question 31.

If NO, you do not qualify for renewal of NMAS accreditation.

- 31** If you have conducted at least 10 hours of mediation, but less than 25 hours – please provide the reason for not conducting at least 25 hours (s 3.3) and then proceed to question 32:

☐ initial mediation training undertaken only within last two years

- ☐ lack of work opportunities
- ☐ family, career or study break
- ☐ illness
- ☐ residence in non-urban or culturally and linguistically diverse (CALD) community
- ☐ other (please specify)_____

32 Are you willing to attend such supplementary training or assessment as the Bar Association considers necessary in order to address the shortfall between the hours of mediation you have conducted and the 25 hours required? (s 3.3) **Please note that renewal of accreditation in terms of s 3.3 cannot be sought or granted for more than 3 consecutive renewals (s 3.4)**

YES ☐ NO ☐

If YES, please proceed to question 33.

If NO, you do not qualify for renewal of NMAS accreditation.

33 Have you completed at least 25 hours of continuing professional development (as detailed in s 3.3 of the Approval Standards in the last two years?

YES ☐ NO ☐

If NO, proceed to question 34

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

- attending continuing professional development courses, educational programs, training seminars or workshops on mediation or related skill areas as referred to in s 10 of the Practice Standards (up to 20 hours) (s 3.5(a)) _____
- receiving professional supervision or coaching or participating in structured peer-based reflection on mediation cases (up to 15 hours) (s 3.5(b)) _____
- 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) (up to 8 hours) (s 3.5(e)) _____
- presentations on mediation or related topics, including 2 hours of preparation time for each hour delivered, or providing professional supervision, coaching or mentoring of mediator trainees and mediators (up to 15 hours) (s 3.5(c)) _____
- attending CPD to maintain your practising certificate (up to 10 hours) (s 3.5(d)) _____
- private study such as reading, listening to or viewing pre-recorded content, or writing articles or books relevant to mediation that are published in recognised journals or by recognised publishers (up to 5 hours) (s 3.5(f)) _____

34 If you answered No to question 33, were you unable to meet the requirement of 25 CPD hours because of

- ☐ health circumstances
- ☐ career circumstances (if so, please explain)_____

- ☐ residence in a non-urban or linguistically and culturally diverse community

If you answered YES to any of the above, please proceed to question 35

If NO, you do not qualify for renewal of NMAS accreditation.

- 35 Are you willing to undertake sufficient supplementary CPD to meet the requirements before renewal of accreditation is granted? (s 3.6)

YES ☐ NO ☐

If No, you do not qualify for renewal of NMAS accreditation.

PART E: 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)

- 36 I wish to apply for selection to the District Court Mediator List:

YES ☐ NO ☐

If YES, please proceed to question 37.

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

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

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.

- 38 Are there any adverse circumstances relevant to you being accredited as a mediator under the NMAS and/or being recommended for appointment to the Association's Supreme Court mediator 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 NMAS and/or appointment to the Association's Supreme Court mediator 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 to be appointed to the Association's Supreme Court panel.

I undertake to notify the Bar Council in writing if my name is included on the Bar Association's list of accredited mediators and/or Supreme Court mediator 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 FRIDAY 30 SEPTEMBER 2016

**Please send in SOFT COPY (pdf format)
to Megan Batchelor, NSW Bar Association
mbatchelor@nswbar.asn.au**