

Proposal for National Competency Standards for
MEDIATORS

Va:

I apologise for the delay in creating this note. I have been snowed under. I also created it once and then lost it in some diabolical technological collapse. In any event the following represents my understanding of our discussions and the gist of the proposal.

1. For ADR to advance in Australia, it is important that we are able to deliver to the three largest potential user markets, an assurance of the competency of the practitioner. These three markets can be broadly described as:
 - Government – All levels
 - Corporate / Business
 - Community
2. To deliver an assurance of competency, a base national standard needs to be established that defines key competencies and also accredits organisations to accredit practitioners under the standard.
3. While many organisations currently exist in the ADR marketplace and some of these have accreditation schemes, it is proposed that a new organisation be created. Some of the reasons for this are:
 - It will create a broader support for the new scheme.
 - It is less likely to cause division in the industry.
 - It accords with the NADRAC recommendations.
 - It will be easier to secure funding.
 - It will be neutral to the existing organisations.
4. The new organisation will be empowered to:
 - Employ consultants to seek submissions on the content of a mediator's competency standard
 - Develop and promulgate a draft standard of competency
 - Participate in the generation of feedback and collation of the feedback
 - Develop and promulgate a standard for competency
 - Develop accreditation standards for organisations that would accredit practitioners under the scheme.
 - Develop the administrative structure to deal with:
 - Audit of accrediting organisations
 - Appeals by individuals denied accreditation
 - Appeals by organisations denied accrediting status or individuals denied accreditation
 - To determine if there are other ADR disciplines that should be subject to the development of competency standards and to use the same process to develop standards for these other processes.
 - To levy a charge for:
 - accreditation
 - appeals
 - Such other activities as it determines are required to comply with its objects, unless they are precluded by paragraph 5.

5. The organisation will not be permitted to:
 - Develop, deliver or endorse training
 - Accredit individuals
 - Refer work enquiries to individuals
6. The initial funding for the creation of a standards body will be sought from:
 - Government (small to moderate contributions from State, Territory and Federal Attorneys General)
 - ADR Organisations (small contributions)
 - Private Sector Philanthropist (to match or part match Government, this philanthropist could acquire naming rights to the facility or the like)

Note. Contributions may be of differing types such as financial or resource

7. Key stakeholders would be asked to make a commitment to the project in addition to those detailed in paragraph 6. This would be a commitment to promote and use the competency standard. Ideally, the stakeholders would commit as follows:
 - **Government** – To make a policy decision to include reference to use of a mediator accredited pursuant to the scheme in all dispute resolution clauses in contracts. In addition, they would require contractors to have identical dispute resolution clauses in all sub contracts related to the head contract.
 - **ADR Organisations** – To adopt and implement the scheme of accreditation and to withdraw any existing accreditation schemes that they have in place
8. Implementation is intended to be affected by an approach to the Standing Committee of Attorneys General through several State Attorneys General. To improve the prospect of success, several ADR organisations are intended to be approached. To achieve the creation of this body in the near future you are asked to:
 - Provide feedback on the proposal (with a view to meeting at the Canberra Conference in September, if not before)
 - If in support:
 - any access to philanthropists
 - any access to an Attorney General
 - a statement of willingness to participate in discussions with a view to delivering organisational support to the proposal.



ACN 003 651 232
ABN 69 008 651 232

National Dispute Centre,
Level 4, 233 Macquarie Street,
SYDNEY NSW 2000
Telephone: 61 2 9233 2255
Fax: 61 2 9232 3024
DX 1067 SDYNEY
Email: leadr@fl.asn.au

FACSIMILE

TO: Val Sinclair

FAX No: 9261 3255

DATE: 21 August 2002

PAGES: 3 (including this page)

FROM: Joel Alcock
Admin Assistant
leadr@fl.asn.au

RE: Proposal for National Competency Standards for Mediators

Attached is a copy of the proposal that you requested. Scott sent the email on the 12 August, 2002. Is this the right proposal?

If you have any more queries, please don't hesitate to contact me.