

## AUSTRALIAN CAPITAL TERRITORY

### *MEDIATION ACT 1997*

Pursuant to subsection 3(1) of the *Mediation Act 1997* I, **GARY HUMPHRIES**, Minister for Justice and Community Safety, hereby give notice that the following criteria shall apply for the purpose of declaring a body or an organisation by the regulations to be an approved agency under the Act

#### CRITERIA FOR THE APPROVAL OF AN AGENCY

- 1 The agency abides by the provisions of the *Mediation Act 1997* and these criteria
- 2 The agency requires, as the primary criterion in assessing a person for registration, or re-registration as a mediator, demonstrated competence according to the *ACT Competency Standards for Mediators* (as revised from time to time), and has in place explicit, transparent and verifiable procedures for assessing that demonstrated competence
- 3 The agency requires the assessment of a person for registration, or re-registration as a mediator, to be made by an independent person or body competent to do so, free from any conflict of interest. This criterion will be met if the assessment is made by a competency assessment panel consisting of two or more members. The following criteria apply to a competency assessment panel
  - (a) a competency assessment panel will have cross-agency representation,
  - (b) each member of a competency assessment panel will have a mediation background covering at least the previous two years to qualify as possessing subject expertise. A mediation background can include having had responsibility for mediation training, coaching and/or competency development, provided the member has had practical experience in mediating complex disputes - the term 'complex disputes', whilst not limited to, may include multi-party, family law and workplace disputes,
  - (c) at least one member of a competency assessment panel should be a qualified workplace assessor, while also possessing the above required background, including practical mediation experience,

- (d) any one of an applicant's trainers or coaches who meets the above criteria may be included as a member of the competency assessment panel. However, where the assessment is for the applicant's initial registration, the trainer or coach may only attend as an observer, and
  - (e) an observer must fulfil the criterion of having a mediation background, as outlined above, in order to ensure that she or he can provide effective feedback to the competency assessment panel. An observer would not have a formal assessment role, and would be present on the understanding that she or he will be supportive, flexible and constructive in her or his approach to working with the competency assessment panel
- 4. The agency has a documented policy that the registration, or re-registration, of a mediator is dependent upon the mediator having been satisfactorily assessed against the *ACT Competency Standards for Mediators* within the previous year
- 5. The agency states in an explicit, transparent and verifiable way its policies under Unit 7 of the *ACT Competency Standards for Mediators*
- 6. The agency establishes and keeps up to date a register, a copy of which is to be provided to the Department on a continual up-dated basis, which will contain the names of
  - (a) mediators registered under section 5 of the Act;
  - (b) mediators whose registration has been renewed under section 7 of the Act,
  - (c) applicants refused registration,
  - (d) mediators whose registration has not been renewed; and
  - (e) mediators whose registration has been cancelled
- 7. The agency permits the Minister to make public the names under 6 (a) and 6 (b)
- 8. The agency has a code of ethical and professional conduct
- 9. The agency has a satisfactory mechanism in place for addressing consumer complaints
- 10. The agency calculates the fee payable in respect of the assessment and registration of a mediator on a cost-recovery basis

- 11 The agency undertakes to notify the Minister of any changes to its rules or policy which may alter the basis on which its approval was granted

Dated this

7<sup>th</sup>

day of

May

1998



GARY HUMPHRIES

MINISTER FOR JUSTICE AND COMMUNITY SAFETY