



(Leading Edge Alternative Dispute Resolvers)

Level 6, 10 Brandon St, Wellington, NEW ZEALAND
email leadrnz@xtra.co.nz
Telephone:(00 64 4) 470 0110 Facsimile (00 64 4) 470 0111

Level 4, 233 Macquarie Street, Sydney NSW 2000 DX 1067 Sydney AUSTRALIA
email: leadr@leadr.com.au
Telephone: (61-2) 9233 2255 Facsimile: (61-2) 9232 3024

SCHEME FOR LEADR ACCREDITATION OF ALTERNATIVE DISPUTE RESOLUTION PRACTITIONERS as at 1 July 2002

LEADR operates the following Scheme for the accreditation of alternative dispute resolution practitioners ("the Scheme").

1. **Definition:**

Alternative dispute resolution practitioners ("ADR practitioners") includes mediators and practitioners of such other forms of alternative dispute resolution ("ADR") processes as the Board may by By-law determine from time to time.

2. **Accreditation a Privilege:**

Accreditation under the Scheme is a privilege afforded to a practitioner and confers no rights on that practitioner other than the right to represent him or herself as LEADR accredited.

3. **Prescribed Level of Competence for Accreditation:**

LEADR accreditation will be accorded to those ADR practitioners who demonstrate that they have achieved and maintain the prescribed level of competence in the process in respect of which they seek and are granted accreditation ("the relevant process").

4. **Accreditation Committee:**

An Accreditation Committee is appointed by the Board of LEADR with the following powers and responsibilities:

- (a) to consider and advise the Board on the requirements, including training and competency, for LEADR accreditation in respect of any ADR process;
- (b) to consider and advise the Board on the standard required for any level of accreditation;

- (c) to assess whether ADR practitioners have achieved and maintain the prescribed level of competence in the ADR process in respect of which they seek to gain and maintain accreditation;
- (d) to consider and determine initial applications for LEADR accreditation, maintenance of accreditation and requests for reclassification to higher levels of LEADR accreditation;
- (e) to consider and advise to the Board on systems for monitoring and assessing the performance of LEADR accredited ADR practitioners;
- (f) to consider and determine whether in particular cases LEADR accreditation should be withdrawn from a LEADR accredited ADR practitioner.

5. Members of Accreditation Committee:

The Accreditation Committee will have a minimum of five members and will be appointed by the Board of LEADR for such terms as the Board may determine. The members of the Accreditation Committee as of July 2002 are:

Sir Laurence Street (Chair)
 The Honourable John Clarke (Vice Chair)
 Gerald Raftesath
 Scott Pettersson
 Carol Powell
 Judith Heap
 Franca Petrone
 Malcolm Stuart

6. Prescribed Level of Competence for LEADR Accreditation:

- (a) The Board will from time to time by By-law prescribe the competency standards in respect of different ADR processes;
- (b) The ACT Competency Standards for Mediators declared by the Minister pursuant to the Mediation Act (ACT) 1997 are the mediation competency standards which must be complied with for accreditation as a LEADR mediator.

7. Levels of Accreditation:

From 1 July 2002 two levels of accreditation will be established, namely:

- (a) accreditation; and
- (b) advanced accreditation.

In respect of particular processes the Board may from time to time by by-law prescribe different levels of and requirements for accreditation.

8. Fees Payable by LEADR Accredited Practitioners:

Practitioners accredited by LEADR who do not pay LEADR's annual membership subscription (payment of which will, subject to the terms of the Scheme, secure accreditation for the ensuing 12 months) will be required each year to pay an annual accreditation fee determined by the Board from time to time, failure to pay which within 30 days after the due date or such extended period as may be notified to the practitioner, shall result in the lapsing of the practitioner's LEADR accreditation.

9. Requirements for LEADR Accreditation:

The requirements for LEADR accreditation are:

- (a) completion of a workshop included in the register of workshops approved by the Accreditation Committee as providing an adequate standard of training for the ADR process in respect of which accreditation is sought; and
- (b)
 - (i) satisfactory completion of an assessment which will require participation in a simulated role play of not less than 1.5 hours' duration during which the practitioner will, for the purposes of the assessment, be videoed or observed by one or more assessors approved by the Accreditation Committee, together with satisfactory demonstration during the role play of an understanding of the ADR process and of the skills required of a newly trained practitioner in that process; or
 - (ii) satisfactory completion of such assessment process as may be determined by the Accreditation Committee as appropriate to the particular ADR process in respect of which accreditation is sought which may include written or oral examination and practical demonstration of skills; or
 - (iii) demonstration of the skills required of a practitioner in the process by reference to actual practice in the field.

10. Requirements for Retention of LEADR Accreditation:

To retain LEADR accreditation practitioners must in the three year period immediately preceding 30 June each year after initial accreditation or deemed initial accreditation, have:

- (a) conducted for periods of no less than 75 hours in total the relevant ADR process; or
- (b) attended workshops, courses or e-lectures relating to that process for periods of not less than twenty five (25) hours; or
- (c) attended workshops, courses or e-lectures relating to that process for periods of not less than twelve and a half hours and taught that process for not less than twelve and a half hours

unless the Accreditation Committee shall have exempted the practitioner from doing so.

11. Requirements for Advanced LEADR Accreditation:

The requirements for advanced accreditation are:

- (a) compliance with the requirements set out paragraphs 9 and 10; and
- (b) in the three years immediately prior to the application for advanced accreditation, the satisfactory completion of a minimum of 250 hours of practice in the relevant process, satisfactory completion being demonstrated by written evaluations of not less than 20 parties or their advisers that the practitioner's conduct of the process has demonstrated a high level of competence in the process, or the assessment by two qualified independent assessors approved by the Accreditation Committee of demonstration by the practitioner in different proceedings of a high level of competence in the relevant process.

12. Requirements for Retaining Advanced Accreditation:

In order to retain advanced accreditation a practitioner must during the six months following the expiration of each three year period after the initial advanced accreditation or deemed advanced accreditation provide the Accreditation Committee with written evaluations in respect of the conduct of not less than ten matters applying the process for which the practitioner is accredited that the practitioner's conduct of the relevant process has demonstrated a high level of competence; unless the Accreditation Committee shall have exempted the practitioner from doing so.

13. Transitional Arrangements:

All LEADR accredited mediators and LEADR advanced mediators as at 1 July 2002 shall retain their accreditation subject to their compliance with the requirements of the Scheme, the date of such accreditation or advanced accreditation being deemed to be 1 July 2002.

14. Ethical Standards:

All LEADR accredited practitioners are required to observe the ethical standards prescribed by the Board of LEADR by By-law as being appropriate to the relevant process.

15. Evaluation of Competency of LEADR Accredited Practitioners:

- (a) When in response to a request for names of LEADR accredited practitioners who may be able to assist in the resolution of a dispute, LEADR furnishes the name of any LEADR accredited practitioner to anyone, LEADR will also furnish a questionnaire designed to elicit from each of the parties and any legal or other representatives of the parties, their evaluation of the manner in which the ADR process has been handled by the LEADR accredited practitioner, and of LEADR's facilitation service, for completion and return to LEADR at the end of the process.
- (b) Whenever it sees fit to do so, the Accreditation Committee may institute a review of the competence or conduct of any LEADR accredited practitioner and determine whether or not the LEADR accredited practitioner should retain LEADR accreditation.
- (c) In any review instituted under sub-paragraph (b) of this paragraph, the Accreditation Committee shall inform the LEADR accredited practitioner why it has instituted the review, but will not be obliged to identify any person who has provided an evaluation, nor provide the accredited practitioner with a copy of the terms of such evaluation, but only of the substance of the Accreditation Committee's concerns.
- (d) The Accreditation Committee may invite the LEADR accredited practitioner in respect of whom a review has been commenced, to discuss the Committee's concerns and may make recommendations to that LEADR accredited practitioner.
- (e) The Accreditation Committee in its sole discretion may withdraw the accreditation of a LEADR accredited practitioner and will furnish the practitioner with reasons for the withdrawal of the accreditation.
- (f) The Accreditation Committee may in its absolute discretion without any obligation to do so, at the request of the practitioner concerned, review any assessment made under the Scheme or any decision to withdraw accreditation, and subject to the outcome of any such review, the

assessment or decision to withdraw accreditation will be final and binding upon the practitioner and LEADR unless the practitioner asks for a further review of the assessment or withdrawal by a Committee of the Board appointed for the purpose in which event the decision of the Committee will be final and binding upon the practitioner and LEADR.

16. Applications for Accreditation:

Applications for accreditation must be made in writing in the form prescribed by the Board.

17. Discretionary Power:

The Accreditation Committee in its sole discretion may waive all or any of the above requirements and extend any of the time limits under the Scheme.

18. Lapsing of Accreditation:

Accreditation will lapse if any of the requirements are not met and the Accreditation Committee has not exercised its discretion to modify or waive such requirements, provided that the accredited practitioner may apply for further accreditation upon demonstrating compliance with the requirements of the Scheme.



APPLICATION FOR LEADR ACCREDITATION

I wish to be LEADR accredited and agree to be bound by the conditions as specified in LEADR's Accreditation Scheme. I provide the following information. I acknowledge that initially this information will be supplied to the Accreditation Committee. If I am successful in this application I also acknowledge and agree that the information provided by me will be entered onto LEADR's data base and may be supplied to people seeking information on mediators. I further acknowledge that it is my responsibility to advise LEADR of any significant changes to this information.

Title _____ **First name** _____ **Family name** _____
Firm/organisation _____
Address _____
Suburb _____ **DX** _____
State/Country _____ **Postcode** _____
Telephone _____ **Facsimile** _____
Email _____
Occupation _____
General Qualifications _____
ADR Training (course(s) and year(s)) _____
Languages spoken _____
Year of first admission as solicitor/barrister (if appropriate) _____

Primary areas in which mediator is willing to accept work as a mediator:

<input type="checkbox"/> Accountancy	<input type="checkbox"/> Defamation	<input type="checkbox"/> Industrial relations	<input type="checkbox"/> Native title	<input type="checkbox"/> Taxation
<input type="checkbox"/> Administrative	<input type="checkbox"/> Employment	<input type="checkbox"/> Information technol.	<input type="checkbox"/> Personal injury	<input type="checkbox"/> Tort
<input type="checkbox"/> Architecture	<input type="checkbox"/> Engineering	<input type="checkbox"/> Insurance	<input type="checkbox"/> Privacy	<input type="checkbox"/> Trade practices
<input type="checkbox"/> Banking	<input type="checkbox"/> Environment	<input type="checkbox"/> Intellectual property	<input type="checkbox"/> Product liability	<input type="checkbox"/> Trusts
<input type="checkbox"/> Commercial	<input type="checkbox"/> Family	<input type="checkbox"/> Local government	<input type="checkbox"/> Professional neg.	<input type="checkbox"/> Workplace
<input type="checkbox"/> Construction	<input type="checkbox"/> Family provision	<input type="checkbox"/> Maritime	<input type="checkbox"/> Property	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Contract	<input type="checkbox"/> Finance	<input type="checkbox"/> Media	<input type="checkbox"/> Resources	
<input type="checkbox"/> Copyright	<input type="checkbox"/> Franchising	<input type="checkbox"/> Medical	<input type="checkbox"/> Securities	
<input type="checkbox"/> Corporate	<input type="checkbox"/> Immigration	<input type="checkbox"/> Mining	<input type="checkbox"/> Succession	

Number of mediations at date of application _____ **(as mediator)**
(using 6.5 hrs as approx. calculation per mediation) **(assisting party)** _____

Mediator's fee (per hour and per day) _____

Signature _____ **Date** _____