



VICTORIAN BAR ADVANCED MEDIATOR SCHEME 2019

APPLICATIONS FOR ACCREDITATION

1. Any member of the Victorian Bar accredited as a mediator under the National Mediator Accreditation System (**NMAS**) may apply to be a Victorian Bar Advanced Mediator (**VBAM**) pursuant to this Victorian Bar Advanced Mediator Scheme 2019.
2. A member of the Victorian Bar will be accredited as a VBAM under the VicBar Advanced Mediator Scheme 2019, by resolution of the Victorian Bar Council, on the recommendation of the Victorian Bar Alternative Dispute Resolution Committee.

TRANSITION

3. Each member of the Victorian Bar who as at 30 September 2019:
 - 3.1 is accredited by the Victorian Bar pursuant to the NMAS; and
 - 3.2 has been accredited as an advanced mediator pursuant to the 2008 Scheme; and
 - 3.3 has maintained accreditation pursuant to the NMAS at all times since being accredited as an advanced mediator pursuant to the 2008 Scheme;
 - 3.4 will be accredited automatically as a VBAM pursuant to the VicBar Advanced Mediator Scheme 2019 with effect upon its inception.



REQUIREMENTS FOR INITIAL ACCREDITATION

4. The initial requirements for accreditation as a VBAM under the VicBar Advanced Mediator Scheme 2019, are:

- 4.1 Practice:

- (1) An applicant must have been in practice as a barrister or solicitor for a period of 7 years; and
 - (2) An applicant must be a member of the Victorian Bar.

- 4.2 NMAS accreditation and mediation experience:

- (1) An applicant must have been accredited pursuant to the NMAS, for the period of 2 years immediately before making application to be a VBAM pursuant to the VicBar Advanced Mediator Scheme; and
 - (2) An applicant must have conducted not less than 100 hours of mediation as a mediator in the 2 years before the application is made. An applicant is to submit written evidence of the 100 hours in the form required by the Victorian Bar.¹

APPLICATIONS FOR REACCREDITATION

5. Save as provided in clause 6, a VBAM must apply to be re-accredited as a VBAM every 2 years, at the same time as making application to be re-accredited pursuant to the NMAS.
6. When seeking reaccréditation as a VBAM, if the applicant was first accredited as a VBAM:

¹ Application form is available [here](#).



- 6.1 less than 6 months before the mediator's next NMAS renewal application after the introduction of this Victorian Bar Advanced Mediator Scheme 2019, the applicant must apply for reaccreditation as a VBAM at the time of that mediator's next NMAS Application which is more than 2 years after that first accreditation as a VBAM;
- 6.2 more than 6 months before the mediator's next application for reaccreditation as an accredited mediator under the NMAS after the introduction of this Victorian Bar Advanced Mediator Scheme 2019, must apply for reaccreditation as a VBAM at the time of that next NMAS Application.

REQUIREMENTS FOR REACCREDITATION

- 7. Subject to the provisions of clause 6, the requirements for reaccreditation as a VBAM under the Victorian Bar Advanced Mediator Scheme 2019, are:
 - 7.1 Membership of the Victorian Bar:
 - (1) A VBAM must be a member of the Victorian Bar at all times.
 - 7.2 National Accreditation:
 - (1) A VBAM must be accredited pursuant to the NMAS at all times.
 - 7.3 Co-mediation: A VBAM should use reasonable endeavours to facilitate co-mediation by nationally accredited barrister mediators in at least 2 mediations each year conducted by the VBAM as mediator.
 - 7.4 Satisfaction of the following practice requirement:
 - (1) 50 hours of mediation in the two years prior to an application for reaccreditation. The 25 hours required for reaccreditation



as an accredited mediator under the NMAS may be included in the calculation of the 50 hours mediation.

- (2) A VBAM must retain evidence of compliance with the practice criteria specified in this clause, for the purpose of any future audit.

8. A VBAM within the category set out in:

- 8.1 clause 6.1, will have the VBAM accreditation extended until the date when the VBAM is required to apply for reaccreditation;
- 8.2 clause 6.2, must satisfy the requirements for reaccreditation in full, unless the period until the VBAM's next NMAS Accreditation is less than 2 years, in which case, the VBAM must satisfy the experience criteria specified in clause 7.4 on a pro-rated basis.

VBAM BENEFITS

9. A VBAM:

- 9.1 may promote themselves as a 'Victorian Bar Advanced Mediator'; and
- 9.2 will be entered in the Victorian Bar directory of Advanced Mediators.

VICTORIAN BAR DISCRETIONS

10. The Victorian Bar has the following discretions:

Dispensation:

- 10.1 The Victorian Bar may in its unfettered discretion, dispense with compliance with all or some of the requirements of the VicBar Advanced Mediator Scheme.



Removal:

- 10.2 A VBAM who does not renew either the VBAM's NMAS or VBAM accreditation each two years in accordance with the relevant scheme will be removed from the list of VBAMs.
- 10.3 The Victorian Bar may at any time, on reasonable grounds and upon written notice to a barrister, remove that barrister's accreditation as a VBAM. The Victorian Bar may appoint a panel of three persons from the Alternative Dispute Resolution Committee to consider whether or not the barrister should be removed. The panel must give written notice to the barrister of the matters relevant to the potential decision to remove the barrister and give the barrister a reasonable opportunity to meet with the panel, present evidence and make submissions in relation to the matter, prior to the panel making a recommendation to the Victorian Bar. On the recommendation of the panel, the Victorian Bar may remove the barrister from the list of Victorian Bar Advanced Mediators.

Approved 12 June 2008 by the Bar Council

Last amended and approved by the Bar Council on 11 October 2022