

THE
INSTITUTE *of*
ARBITRATORS & MEDIATORS
—  —
AUSTRALIA

POLICY ON THE ACCREDITATION AND REGISTER OF ADJUDICATORS

The Institute of Arbitrators and Mediators Australia requires and maintains the highest standards for adjudicators accredited by the Institute.

1. Introduction

- 1.1 This policy replaces all previous statements on the subject of accreditation of adjudicators.
- 1.2 The Institute maintains a Register of Adjudicators.
- 1.3 The Register of Adjudicators identifies those members of the Institute who are recognised and accredited to act as adjudicators and who, in the opinion of Council, have the necessary qualifications to so act. It is essential to the function of the Institute as a nominating or appointing authority for adjudicators, that only such persons who, by education, experience, reputation and competence are qualified to so act, should be represented to the relevant statutory authorities and the public as adjudicators. Institute membership of itself does not qualify an individual to be an adjudicator.

2. Register of Adjudicators

- 2.1 The Register of Adjudicators shall comprise those members of the Institute who have applied for inclusion on the Register and who have been accredited by Council as an adjudicator for a particular statute or statutes in one or more jurisdictions.
- 2.2 Subject to the provisions of 2.3 of this policy, any member who satisfies the requirements of the policy for accreditation as an adjudicator and for inclusion on the Register of Adjudicators may apply on the prescribed application form, which appears at Schedule 1 to this policy, to have her or his name placed on the Register of Adjudicators.
- 2.3 Notwithstanding anything contained in this policy or elsewhere, inclusion in the Register of Adjudicators shall be restricted to those members who satisfy Council that they have the knowledge, experience, reputation, personal quality and qualifications necessary and desirable to be held out as an adjudicator accredited by the Institute. The Council of the Institute may, in its unfettered discretion, apply conditions or limitations on the accreditation of a person or on the inclusion on the Register of Adjudicators. The Council of the Institute may also, in its unfettered discretion, refuse to accredit a person as an adjudicator and may refuse to include a person on the Register of Adjudicators.
- 2.4 The Council of the Institute may, if it is otherwise satisfied as to the competence of a member to act as an Adjudicator, in its unfettered discretion, exempt a member from compliance with any or all of the requirements of this policy.

- 2.5 To obtain and maintain accreditation as an adjudicator a person must satisfy the Council that the person:
1. Meets all relevant statutory requirements (if any) for registration or recognition as a person eligible to adjudicate in the jurisdiction to which the relevant statute applies.
 2. Is a person of good standing in the occupation or profession in which that person practices.
 3. Has applied for accreditation and inclusion on the Register of Adjudicators using the application form as included at Schedule 1 to this policy and must have signed the acknowledgement on the application form.
 4. Has satisfactorily completed the Institute's course of training for accreditation as an adjudicator for the relevant statute or statutes, as amended at the time of accreditation and inclusion on the Register of Adjudicators, in the jurisdiction(s) for which accreditation is granted.
 5. Has demonstrated competence as an adjudicator in the relevant statute or statutes, as amended at the time of accreditation and inclusion on the Register of Adjudicators, in the jurisdiction(s) for which accreditation is granted.
 6. Can demonstrate a sufficient understanding of an overview of the relevant statutes, the rights and obligations of Claimants, Respondents and adjudicators; the basic principles of procedural fairness / natural justice, issue identification, evaluation of submissions, and decision writing.
 7. Can demonstrate that she or he has relevant and sufficient experience in the industry or area of practice to which the applicable statute or statutes relate.
 8. Has met the CPD requirements and the requirements in respect of attendance at and satisfactory completion of a Master Class for Adjudicators in accordance with this policy.
 9. Has been interviewed by an Interviewing Panel in accordance with this policy.

3. Interviewing Panel and Procedure

- 3.1 Unless the Executive or Council otherwise determine, prior to accreditation as an adjudicator and prior to inclusion on the Register of Adjudicators a person must be interviewed and recommended by an Interviewing Panel constituted in accordance with this Policy.
- 3.2 On receipt of a completed and signed Application for Accreditation and Inclusion on the Register of Adjudicators, an Interviewing Panel is to be constituted by two members of the Institute who are themselves accredited Adjudicators, plus one member of Council or a person nominated a member of the Executive. The panel is to be constituted as soon as practicable after the application received. The Applicant is not to be made aware of the identity of the panel members prior to the applicant being interviewed by the panel. A person selected to act as a member of an Interviewing Panel shall decline to act as a

member of the panel where the person believes that there is or may be an apprehension of bias or potential conflict of interest.

- 3.3 The Interviewing Panel shall satisfy itself that the person seeking accreditation and inclusion on the Register of Adjudicators (the Applicant) meets the requirements of this policy.
- 3.4 The Interviewing Panel shall complete the Interviewing Panel Report and Recommendation as appears at Schedule 2 to this policy. The Interviewing Panel may recommend conditions or limitations, which, in their opinion, should be applied to an accreditation or to inclusion on the Register of Adjudicators. Each member of the Interviewing Panel is required to sign the completed form.
- 3.5 Any member or members of the Interviewing Panel who decides that the Applicant does not meet the requirements of this Policy shall not approve the application for accreditation and inclusion on the Register of Adjudicators and shall provide brief reasons, expressed in their own terms, to Council for that decision.
- 3.6 Any recommendation for accreditation as an adjudicator or inclusion on the Register of Adjudicators which is conditional (such as 'subject to providing documents', or 'subject to further training, experience' etc) will generally not be approved by Council.
- 3.7 As provided in Section 6 of this policy, a copy of the completed Interviewing Panel Report and Recommendation is to be provided to the Chapter Chairperson and to the Chief Executive Officer (CEO).

4. Continuing Professional Development

- 4.1 To main accreditation as an adjudicator and remain on the Register of Adjudicators a person must maintain a satisfactory level of continuing professional development (CPD).
- 4.2 A satisfactory level of CPD will be a minimum of 20 CPD points in any year and a minimum of 75 CPD points in any three year period of which not less than 75% of the CPD points are in respect of adjudication, decision writing or other activities or disciplines which Council approves as relevant for the purpose of CPD points for adjudicators.
- 4.3 To remain on the Register of Adjudicators an accredited Adjudicator must have attended, and been assessed as competent, at least one Adjudicator's Master Class in each three year period.

5. Review of Accreditation

- 5.1 A member's accreditation as an adjudicator and inclusion on the Register of Adjudicators shall be reviewed once in every three year period and at each time that the relevant statute or statutes are amended.
- 5.2 Council may, of its own accord, determine that the accreditation of an Adjudicator and/or the inclusion on the Register of Adjudicators should be reviewed at any time, if Council considers that circumstances are such as to reasonably justify such review before the next triennial review.

- 5.3 Following the review referred in 5.1 or 5.2, a person shall maintain her or his accreditation as an adjudicator and their inclusion on the Register of Adjudicators only if they meet the requirements of this policy.

6. Procedures for Dealing with Applications

- 6.1 All applications for accreditation as an adjudicator and Inclusion on the Register of Adjudicators are to make on the Application Form at Schedule 1 to this policy.
- 6.2 The Application Form is to be signed by the Applicant.
- 6.3 The Application Form is to be lodged with the Chapter Office relevant to the jurisdiction in relation to the accreditation, which is the subject of the Application. An application received by the National Office or by another Chapter Office is to be forwarded immediately to the relevant Chapter Office.
- 6.4 The Chapter Chairperson, or a person nominated by the Chairperson shall take the necessary steps to form an Interviewing Panel in accordance with and to perform the functions required in, Section 3 of this policy.
- 6.5 A copy of the completed Interviewing Panel Report and Recommendation is to be provided to the Chapter Chairperson and to the Chief Executive Officer (CEO).
- 6.6 The Chapter Chairperson may provide to the CEO any comment in respect of the applicant or the application which the Chairperson considers relevant. The Chapter Chairperson may recommend conditions or limitations, which, in the Chairperson's opinion, should be applied to an accreditation or to inclusion on the Register of Adjudicators.
- 6.7 The CEO shall place before Council for its consideration, all recommendations made by the Interviewing Panels.
- 6.8 Council may approve, reject or approve with conditions or limitations any application for accreditation as an adjudicator or inclusion on the Register of Adjudicators.
- 6.9 The Executive may grant an interim approval of accreditation as an adjudicator and inclusion on the Register of Adjudicators. The Interim Approval shall not, without further approval of the Executive, extend beyond the next meeting of Council following the interim approval.
- 6.10 The CEO shall advise the relevant Chapter Office and each applicant of approval, interim approval or rejection of an application and any conditions or limitations applied by Council.

7. Withdrawal of Accreditation or Removal from the Register of Adjudicators

- 7.1 Council may, by resolution, withdraw a person's accreditation as an Adjudicator or remove an accredited adjudicator from the Register of Adjudicators where in the opinion of Council the person has not complied with this policy.

8. Appeals from Council's Decisions

- 8.1 Any person who is not satisfied with a decision of the Council (the Appellant) in respect of the Appellant's standing as an adjudicator or inclusion on the Register of Adjudicators, or in respect of an application made by the Appellant for accreditation as an adjudicator for inclusion on the Register of Adjudicators may seek a review of that decision.
- 8.2 The Appellant must notify the CEO in writing that the Appellant is dissatisfied with a decision of the Council. The Appellant must identify the decision, or the parts of the decision, with which the Appellant is dissatisfied and provide the basis of the dissatisfaction.
- 8.3 The CEO shall refer the notification to the Executive and to the Chairperson of the Professional Affairs Committee. The Executive shall decide what, if any, interim steps should be taken pending the outcome of the review of the decision. The Chairperson of the Professional Affairs Committee, or that Chairperson's nominee, shall act promptly to review the decision and recommend to the Executive within two weeks of the notification being referred to the Chairperson of the Professional Affairs Committee, whether the decision should stand or should be the subject of a further review.
- 8.4 The recommendation of the Chairperson of the Professional Affairs Committee, or that Chairperson's nominee, shall be referred to the Executive who shall decide what, if any, interim steps should be taken.
- 8.5 Where the Executive, or Council, resolves that the decision should be reviewed, a Decision Review Panel consisting of 3 members of Council shall be appointed by the Executive to review the decision and to recommend to Council the course of action to be adopted.
- 8.6 The Decision Review Panel shall provide the Appellant with an opportunity to present her or his case. The Decision Review Panel shall apply procedural fairness to the Appellant in dealing with the review of the Council's decision.
- 8.7 The Decision Review Panel should aim to make a recommendation to Council through the CEO within one month of the Decision Review Panel being constituted.
- 8.8 Council is to consider the dissatisfaction with the decision as expressed by the Applicant and consider the recommendations made by the Decision Review Panel. Council shall then resolve what action is to be taken in respect of the decision. Council may resolve to affirm, reject or modify its decision.
- 8.9 The decision of Council in accordance with Section 8.6 of this policy is final and binding.
- 8.10 Council is not required to give a reason or reasons for any decision made by it under this policy.