



THE UNIVERSITY OF
**WESTERN
AUSTRALIA**



Recognised Mediator
Accreditation Body

UWA Mediation Clinic

National Mediation Accreditation Training

A NMAS standard national mediation training course



About the program

Qualification

National Mediation Accreditation courses are based on the facilitative models of dispute resolution. Training is provided in accordance with the National Mediator Accreditation System (NMAS). National Mediation Accreditation courses also aim to provide participants with an understanding of other forms of mediation and their appropriateness. Participants who i) complete a National Mediation Accreditation course and meet the training and competency assessment requirements, and ii) meet the good character and professional indemnity insurance cover requirements under the Standards, are eligible to apply for registration as a nationally accredited mediator under the National Mediator Accreditation System (NMAS) and can apply to be listed on the Mediator Standards Board (MSB) national register.

The accreditation covers all types of mediation, excluding parenting matters.

For further information, see the Mediator Standards Board website: <https://msb.org.au>

Who is the course for?

The UWA National Mediation Accreditation course is a professional executive education program suitable for people working in a range of professions including law, family law, health, psychology, engineering, human resources, finance, corporate, education, management, social work, government, police, defence, court administration, not for profit organisations, and others.

The theory-informed interventions introduced in the course can build upon the existing skills-base of experienced practitioners, resulting in an expanded suite of tools to assist clients with their disputes, including during pre-mediation or pre-trial conferences.

Philosophy and aims

The UWA National Mediation Accreditation course aims to provide the theory and skills necessary to conduct a mediation process at the highest level of competence. At the completion of the course, participants should have built on their conflict knowledge, negotiation and mediation skills, ethical understandings, and capacity to reflect.

The course is underpinned by the idea that primary importance should be given to *how* decisions are arrived at via a dispute resolution process. In both lawyer-assisted and non-lawyer assisted contexts, we believe that the first step in any meaningful dispute resolution process is to build a full and flexible understanding of the experiences and conflict that sit behind the dispute.

By taking a predominantly relational and interest-based approach, an environment can be created that can assist parties to shift from an adversarial stance to a more constructive and co-operative way of understanding the conflict. From a place of improved understanding, parties can begin to generate *mentalized* decisions that are more likely to be meaningful and sustainable for everyone involved. These might include joint decisions that preclude the need for litigation or clarify why litigation might be the most appropriate pathway for certain aspects of a dispute.

How the UWA course is different

At the UWA Mediation Clinic, we have been working with an experienced team of researchers and practitioners to incorporate contemporary, theoretically driven, and evidence-based psychological concepts into our skill-base and understanding of dispute resolution.

We have found that these concepts complement and elevate the traditional facilitative mediation process and provide a framework for understanding what might sit behind the challenging and complex behaviours all people exhibit when under stress.

These concepts also guide the intentional selection of specific and helpful interventions and can offer insights as to why certain aspects of practice might be effective, or where new approaches or processes might be beneficial.

The UWA Mediation Clinic

In 2012, the UWA Law School established itself as a Registered Mediation Accreditation Body (RMAB) and introduced its first National Mediation Accreditation Course. UWA is the first GO8 Australian University to establish itself as a RMAB.

In 2018, UWA established the UWA Mediation Clinic. The Clinic offers mediation services and training to UWA staff, students and alumni, and community groups. The Clinic conducts research into its use of a mentalizing based approach to mediation (MBT-M) with international collaborators Professors Peter Fonagy and Anthony Bateman from University College London and the Anna Freud Centre.

Our Team of Presenters

Associate Professor Jill Howieson



Jill Howieson is currently the Director of the UWA Mediation Clinic and runs the Negotiation and Mediation, Dispute Resolution and Mediation: Practice and Skills units at the University of Western Australia's Law School. Jill is an inaugural board member of the National Mediator Standards Board and a nationally accredited mediator.

Jill holds degrees in English, Psychology (Hons) and an LLB (Hons) and a PhD in Law from UWA. Jill has conducted training workshops in mediation, negotiation and stakeholder facilitation for a variety of entities. Jill's research areas include procedural justice, MBT-M, the use of mediation in cases involving family violence, and legal education. Jill works from an inter-disciplinary socio-legal perspective and conducts empirical research. Before entering academia, Jill practised as a solicitor in the area of dispute resolution at Mallesons Stephen Jacques and smaller dispute resolution firms. Jill has a broad range of experience in DR processes and teaches, researches, and practices in DR and mediation.

Dr Darren Moroney



Darren is a registered psychologist and nationally accredited mediator (NMA) who works from an MBT-framework. As a psychologist, Darren has worked with a variety of clients across the lifespan, including adults, children, families, couples, and groups. As a mediator, Darren has facilitated dispute resolution processes in a number of contexts including workplace, community, family, local government, and high-conflict VRO referrals from the Children's Court of Western Australia.

Darren has taught developmental units at a post-graduate level to psychology students, and as one of the trainers in the UWA NMA Mediation Accreditation program, he has introduced a mentalizing-informed approach to dispute resolution into the training of law students and professional practitioners from across of Australia.

Vincent Tan



Vincent was admitted to practice as a lawyer in 2008 and has practiced exclusively in family law since 2010. He joined Clairs Keeley in February 2019. Vincent takes instructions in all areas of family law including children's matters, child support, spousal maintenance, property settlement and financial agreements.

In 2015, Vincent obtained a Master of Law, specialising in family law. Vincent is also a nationally accredited family law mediator and family dispute resolution practitioner. Vincent is trained in collaborative practice and is a member of Collaborative Professionals WA. Vincent is on the panel of assessors for the mediation accreditation at The University of Western Australia and the Family Law unit at Murdoch University.

Brianna Stanway



Brianna is a mediator and employment lawyer, currently working at the Chamber of Commerce WA and also volunteering to assist the UWA Mediation Clinic. Brianna has represented clients in the Federal Court, Fair Work Commission, WA Industrial Relations Commission and the Equal Opportunity Commission and is an experienced negotiator.

Brianna has a Bachelor of Laws and a Bachelor of Arts (majoring in psychology) from the University of Western Australia and was admitted to practice as a lawyer in 2016.

Belle Lane



Belle has worked as a mediator since qualifying in 2007, and also works as a Family Dispute Resolution Practitioner. Belle has been practising in family law since 1994 and has practiced in Victoria and Western Australia as a solicitor and at the Victorian and Western Australian Bar.

Belle currently works at the Victorian Bar and travels regularly to Western Australia for mediations. Belle is also a qualified arbitrator, who is available to travel to conduct mediations across Australia.

Program

Module	Topic
	I. Introduction to interest-based negotiation
	II. Introduction to the opening stages of mediation
	III. Interests exploration: Theory and skills involved in exploring the parties' interests and mental states
	IV. Conflict, epistemic trust, and procedural justice
	V. Introduction to mentalizing and mentalizing interventions
	VI. Private sessions
	VII. Second joint session and closing
	VIII. Pre-mediation
	IX. Power, practice standards, cross-cultural issues, and styles of mediation
Coaching	Mediation process workshops where participants receive one-on-one coaching and written feedback
Accreditation	National Mediation Accreditation role-play assessments

Select Literature References

Alexander, N. "The Mediation Meta-Model: Understanding Practice," 26(1) Conflict Resolution Quarterly, 2008, 97-123.

Bush & Folger, *The Promise of Mediation*, Jossey Bass, 1994.

Fisher, Ury, & Patton, *Getting to Yes*, Random House, 1992.

Fonagy & Bateman, *Mentalization Based Treatment for Personality Disorders: A Practical Guide*, Oxford University Press, 2016.

Howieson & Priddis (2015) "A Mentalizing-based Approach to Family Mediation: Harnessing our Fundamental Capacity to Resolve Conflict and Building an Evidence-based Practice for the Field," 53(1) Family Court Review, 79-95.

Mezirow, J. A., *Fostering Critical Reflection in Adulthood: A Guide to Transformative and Emancipatory Learning* as cited in Plack et al., "A Method for Assessing Reflective Journal Writing," (2005) 34(4) Journal of Allied Health, 1990.

Winslade & Monk, *Narrative Mediation*, John Wiley & Sons, 2000.



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