Checklist – AMDRAS Mediator Ethical Practice

July 2026 – for AMDRAS Accredited Mediators, aligned with the AMDRAS Standards (October 2025) and the Mediation Institute Code of Ethics and Conduct

When we are marketing and conducting our professional practices, we have some considerations to make in terms of what we are ethically able to do and what we are prohibited from doing. Work through the checklist below. Anything other than a confident "Yes" deserves attention.

This checklist is for AMDRAS Accredited Mediators. If you are also an accredited FDR Practitioner, use the FDRP Ethical Practice Checklist as well — your FDR work has additional obligations under the FDR Regulations 2025.

Do you / have you?	Yes / No / ?
Conflict of interest – Have you checked that you haven't previously acted in a professional capacity, had previous commercial dealings, or a personal acquaintance with a party? Do you disclose any potential conflict and withdraw where you cannot facilitate even-handedly? (Mi Code clauses 8–9; AMDRAS Code of Ethics)	
Inappropriate fee structures – Do your fees and charges apply regardless of outcome? Do you avoid contingent fee structures where you get a bonus or other benefit for a "successful" outcome?	
Referral fees / exchanges – Do you refuse to offer or receive referral fees in any form? Do you avoid referring clients to individual providers, e.g. in a referral exchange program or where the referral is not based on the client's needs?*	
Client confidentiality – Do you have strong processes in place to protect client confidentiality? Do you store and dispose of records from your mediations securely? (Mi Code clause 14; Privacy Act 1988)	
Explaining confidentiality – Do you explain to clients, before mediation commences, what is confidential and the exceptions — such as preventing an imminent threat of harm or disclosure required by law? Do you know how admissibility of mediation communications is treated in the context you work in, e.g. under the Uniform Evidence Act or a court referral order? (Mi Code clauses 15–16)	
Representing your accreditation – Do you accurately represent your AMDRAS accreditation and level (Accredited, Advanced or Leading Mediator) in your marketing? Do you make clear you are not an accredited FDR Practitioner, so clients cannot assume you can issue section 60I certificates? (Mi Code clause 6(c))	
Qualifications and role – Do you clarify and work within the scope of your role as mediator if you also have other professional roles, e.g. as a lawyer, psychologist or counsellor? (Mi Code clause 13)	
Costs – Do you provide clear information about the cost of your services in advance, including any additional costs for disbursements like room hire, travel or overtime sessions?	

Do you / have you?	Yes / No / ?
Guarantees – Do you make it clear that you cannot guarantee that the parties will reach agreement in mediation?	
Informed consent and advice – Do you support clients getting legal and other advice needed to make informed decisions? Do you provide advice or expert opinion only when competent and authorised to do so — qualified, insured for it, and agreed by all parties in advance? (Mi Code clauses 24–26; AMDRAS Standards clause 61.3(g))	
Terms and conditions – Do you use an Agreement to Mediate or similar document explaining your processes, costs, role, the standards you work under, and how to make a complaint? (Mi Code clause 18)	
Honesty in marketing – Are you honest in your marketing and advertising, e.g. not claiming experience you don't have? Do you avoid misleading claims?	
Assessing suitability – Do you conduct a pre-mediation assessment to check the process is appropriate, considering any history of violence, safety, bargaining power and the parties' wellbeing? (Mi Code clauses 19–20)	
Ending or suspending mediation – Do you continue to monitor safety and suitability throughout, and suspend or terminate the process if it is no longer appropriate or could be detrimental to a participant or yourself? (Mi Code clauses 23 and 31)	
Professionalism – Do you avoid knocking copy and extend professional courtesy to other professionals in your communications?	
Complaint handling – Do you always maintain a suitable complaints mechanism through your Recognised Provider, and inform clients how to make a complaint about your services? (Mi Code clauses 32–33)	
Maintaining accreditation – Do you maintain your AMDRAS accreditation by complying with your continuing accreditation requirements — professional development, practice hours, professional indemnity insurance — and renewing on time through your Recognised Provider?	
Other obligations – Do you have any other professional obligations that you need to comply with, e.g. as a lawyer or psychologist, or under legislation that applies to the context you mediate in (civil procedure acts, anti-discrimination law)?	

* Referring to individual providers is discouraged unless the referral is based on the client's needs. See clause 7 of the Mediation Institute Code of Ethics and Conduct: encourage participants to obtain professional support when appropriate, but avoid exclusive referral arrangements.

Review of Your Answers

Were there any question marks or "no"s? If you answered no or don't know, you will need to check your procedures and processes.

Failing to do any of these things could result in an upheld complaint against you or a claim against your professional indemnity insurance. If severe, it could result in the suspension or cancellation of your accreditation as an AMDRAS Mediator.

Resources

Mediation Institute Code of Ethics and Conduct for Members (July 2026)

The ethical standards expected of Mi Practitioner Members: www.mediationinstitute.edu.au/code-of-ethics

AMDRAS – Australian Mediator and Dispute Resolution Accreditation Standards

The AMDRAS Standards (updated October 2025), including the AMDRAS Code of Ethics (Appendix 3) and Domain 3: Professional Ethics and Responsibilities: amdras.au. AMDRAS replaced NMAS from 1 July 2024 and is administered through Recognised Providers, e.g. Mediation Institute.

Complaint handling

Complaints about AMDRAS Accredited Mediators are handled by their Recognised Provider, e.g. Mediation Institute: www.mediationinstitute.edu.au/complaint-handling-service. If a complaint is upheld, depending on the issue, your accreditation could be suspended or cancelled.

Australian Consumer Law

www.consumerlaw.gov.au – regulated by the ACCC and state or territory consumer protection agencies: www.accc.gov.au

Professional Indemnity Insurance

Read your policy to see what you are and are not covered for. If you need cover or a quote, you can request one through Aon via our website: www.mediationinstitute.edu.au/aon

Professional Association

Mi Membership is low cost and Members can call and speak with a member of our team to discuss ethical dilemmas and concerns: www.mediationinstitute.edu.au/membership

Mi Mediators Network

A free network for dispute resolution professionals: network.mediationinstitute.edu.au

To Do List

What	Details	Done date