



**Victorian
Association for
Dispute
Resolution Inc**

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Preface

The Victorian Association for Dispute Resolution (VADR) adopted this Code of Conduct (the Code) at a meeting of the VADR Committee held on 12th July 2021.

This Code applies to the professional conduct of all members of VADR. An electronic version of the Code is available on the [VADR website](#).

The Code of Conduct is subject to periodic amendments. Such amendments will be communicated to members of the Association and published on the [VADR website](#). VADR members must ensure that they are conversant, and in compliance with, the current version of the Code.

Code of Conduct

VADR Members commit:

1. To conduct their professional lives with integrity, honesty and respect for the law.
2. To promote the objects of VADR and to act in accordance with the VADR Constitution, promoting professionalism and respect for the practice of Dispute Resolution (DR).
3. To uphold the integrity and fairness of DR processes.
4. To offer and undertake only those DR processes for which they are properly qualified and in circumstances where they have the appropriate experience, expertise and/or access to appropriate professional support.
5. To represent their qualifications, expertise and experience accurately, fully and transparently at all times.
6. To distinguish their roles as professional DR practitioners from any other capacities in which they may act and to make this clear to participants in DR processes.
7. To provide sufficient and accurate information which will enable potential DR participants to make an informed choice about whether and how to proceed. This includes:
 - 7.1. a description of the proposed process, the qualifications, experience, expertise and obligations of the practitioner, and;
 - 7.2. detail of fees and other expenses associated with the DR process, and the basis on which fees will be calculated and charged, and details of the VADR complaints process or any other complaints process to which the Member is subject, and including how complaints may be initiated by a complainant.
8. To assess, to the extent necessary, the suitability of a dispute and those engaged in the dispute for the DR process being proposed and to proceed only if the dispute is assessed as suitable for that DR process.

9. To disclose to all parties to a DR process all known, actual, potential and perceived conflicts of interest before and if they arise during the DR process. In circumstances where an actual, potential or perceived conflict of interest arises, and if the parties expressly agree, the process may proceed only if the Member and all parties are satisfied that the conflict or perception of the conflict will not impair the Member's impartiality and independence, or impact negatively upon the DR process. In any other circumstances the Member must disqualify themselves from conducting the DR process.
10. To prepare appropriately for the DR process.
11. To inform and, if appropriate to the DR process, discuss with participants the procedural aspects of the process, including confidentiality and its scope, the role of the DR practitioner, and the roles of participants, their support people and their advisers, and to do so at such time as to afford all participants a realistic opportunity to decline to participate should they so choose.
12. Members are required to respect and preserve the confidentiality of the parties in accordance with the practice standards appropriate to the form of DR they are practising, as well as the reasonable expectations of the parties with regard to confidentiality. The Member shall not disclose any matter that a party expects to be confidential unless given permission by all parties or unless required by law.
13. To recognise and preserve the relationship of respect and impartiality inherent in the role of DR practitioner.
14. To use information gained in a DR process only in that process; and not to act for any participant in any professional or other capacity in relation to the same subject matter.
15. To communicate with participants even-handedly, respectfully and sensitively, using DR method(s) appropriate to the process.
16. To conduct DR processes fairly, diligently and professionally, exhibiting independence and impartiality and putting the interests of participants first.
17. To conduct the DR process in a timely manner and in accordance with the law.
18. To engage in professional learning activities to develop and refine their DR knowledge and skills.
19. To cooperate in establishing, maintaining and enhancing the quality, qualifications and standards of DR practice.
20. To suspend or terminate the DR process if it becomes evident that it is no longer appropriate or that it could be detrimental to one or more of the participants or to the practitioner.
21. To comply diligently with the requirements of other schemes under which they are accredited or registered.
22. To ensure that they are covered by the necessary insurances including for professional indemnity and public liability.
23. To welcome feedback and to cooperate in addressing any complaint about the DR process undertaken, while maintaining appropriate confidentiality.
24. Specifically, in relation to mediation, members commit:
 - 24.1. To uphold the principle of participant self-determination
 - 24.2. To support and enable participants to explore issues, to identify interests, to generate and evaluate options and to make decisions about future outcomes and action
25. To not provide advice except where:
 - 25.1. it is appropriate to the form of DR being exercised, and not in contravention of any practice standards to which the Member is subject;
 - 25.2. it is necessary for the enhancement of the process and/or the decision-making of the participants;
 - 25.3. it can be done in such a way as to not compromise the impartiality, or perception of partiality, of the Member; and
 - 25.4. the Member has the appropriate qualifications and expertise to provide the advice.

26. VADR reserves the right to suspend or cancel the membership of any member who is found to be in breach of this code.

For additional information VADR Members may also wish to refer to information available from:

- [Mediator Standards Board](#)
- [Australian Government – Attorney Generals Department](#)

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Acknowledgements: VADR acknowledges reference to the Codes of Conduct of both Resolution Institute and the Australian Psychological Society – both of which have informed VADR’s development of this VADR Code of Conduct.