



# Resolution Institute

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Excellence in dispute resolution  
across Australia and Aotearoa

Policy on the Accreditation and Register of  
Adjudicators

Resolution Institute is the peak industry body across dispute resolution disciplines in Australia and New Zealand and the largest membership body of dispute resolvers, incorporating the Institute of Arbitrators and Mediators (**IAMA**) and LEADR; Resolution Institute performs the functions previously offered by those organisations.

Resolution Institute requires and maintains the highest standards for adjudicators accredited by Resolution Institute. The primary purpose of this Policy is to ensure that statutory authorities and parties to adjudications recognise Resolution Institute to be the leading authorised nominating authority in Australia.

## 1 Introduction

- 1.1 This policy replaces all previous statements on the subject of accreditation of adjudicators. This policy commences on 1 August 2022.
- 1.2 Resolution Institute maintains a Register of Adjudicators in each State jurisdiction.
- 1.3 The Register of Adjudicators identifies those members of Resolution Institute who are recognised and accredited to act as adjudicators in that jurisdiction and who, in the opinion of the Board of Resolution Institute (**the Board**), have the necessary qualifications to so act. It is essential to the function of Resolution 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. Membership of Resolution Institute does not of itself qualify an individual to be included on the Register of Adjudicators.

## 2 Register of Adjudicators

- 2.1 The Register of Adjudicators shall comprise those members of Resolution Institute who have applied for inclusion on the Register and who have been accredited by the Board as an adjudicator for a particular statute or statutes in one or more jurisdictions. Resolution Institute may maintain separate Registers of Adjudicators in respect of separate jurisdictions and may limit the number of persons included at any one time on the Register in respect of particular 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 to have their 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 the Board that they have the knowledge, experience, reputation, personal quality, and qualifications necessary and desirable to:
  1. be held out as an adjudicator registered or accredited by Resolution Institute; and
  2. complement the number, attributes and diversity of adjudicators already included on the Register of Adjudicators for the relevant statute or statutes.
- 2.4 The Board 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 Board 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.

- 2.5 The Board 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.
- 2.6 To obtain and maintain accreditation as an adjudicator a person must satisfy the Board 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.
  4. Has satisfactorily completed Resolution Institute's course of training (or a course of training by another entity authorised by the Board as being equivalent) 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 knowledge of 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 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 triennial review and CPD requirements as well as 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 Assessment Panel in accordance with this policy, except where the person has previously been included in the Register of Adjudicators for the relevant statute or statutes within the 3 years preceding the person's application, in which case:
    - (a) this Section 2.6(9) shall not apply;
    - (b) the Assessment Panel shall not be obliged to interview the person, but the remaining provisions of Section 3 shall otherwise continue to apply.

### **3 Assessment Panel and Procedure**

- 3.1 Unless the Executive or the Board otherwise determine, prior to accreditation as an adjudicator and prior to inclusion on the Register of Adjudicators a person must be

interviewed (unless Section 2.6(9) does not apply) and recommended by an Assessment 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 Assessment Panel is to be constituted by two members of Resolution Institute who are themselves accredited Adjudicators in the relevant jurisdiction, plus one other accredited Adjudicator in a different State or jurisdiction. The panel is to be constituted by the CEO as soon as practicable after the application received.
- 3.3 A person selected to act as a member of an Assessment 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.
- 3.4 The Assessment Panel shall satisfy itself that the person seeking accreditation and inclusion on the Register of Adjudicators (the Applicant) meets the requirements of this policy.
- 3.5 The Assessment Panel shall complete the Assessment Panel Report and Recommendation. The Assessment 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 Assessment Panel is required to sign the completed form.
- 3.6 Any member or members of the Assessment Panel who believes that the Applicant does not meet the requirements of this Policy and should not be approved for accreditation and inclusion on the Register of Adjudicators and shall provide brief reasons, expressed in their own terms, to the Board for that recommendation (**Assessment Panel Report and Recommendation**).
- 3.7 As provided in Section 6 of this policy, a copy of the completed Assessment Panel Report and Recommendation is to be provided to the Chief Executive Officer (CEO) as soon as possible following the interview.

#### **4 Continuing Professional Development**

- 4.1 To maintain 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 10 CPD points in any year and a minimum of 30 CPD points in any three year period, with at least 1 point for each of the compulsory topics each year. The compulsory topics are legal principles and concepts, practice and procedure, and ethics (**the CPD requirement**).
- 4.3 An accredited adjudicator must attend and be assessed as competent, at least one Adjudicator's Master Class in each three year period for each State they are included on the panel of adjudicators for (**the Masterclass requirement**).
- 4.4 An accredited adjudicator must conduct at least 2 adjudications in each three year period (**the Practising requirement**).
- 4.5 An adjudicator must, in addition, maintain any CPD requirements required by the relevant statutory authority from time to time.

## **5 Review of Accreditation – Triennial Review and on Board’s own motion**

- 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.
- 5.2 The Board 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 the Board considers that circumstances are such as to reasonably justify such review before the next triennial review.
- 5.3 A review is to be conducted by the CEO or a person nominated by the CEO. For the purpose of the triennial review an adjudicator must comply with the CPD requirement, the Masterclass requirement and the Practising requirement or provide a satisfactory explanation of the failure to comply. Where the CEO considers it appropriate, a review application may be referred to an Assessment Panel of three adjudicators selected by the CEO with a nominated Chair to provide advice to the CEO. An Assessment Panel is not required to report in writing, but may choose to do so, and may report orally to the CEO or the person nominated by the CEO to conduct the review by its chair.
- 5.4 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 be made 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 Head Office
- 6.4 The CEO, or a person nominated by the CEO shall take the necessary steps to form an Assessment Panel in accordance with and to perform the functions required in, Section 3 of this policy.

## **7 The CEO and the Board**

- 7.1 In addition to receiving advice from an Assessment Panel, the CEO may consult with the relevant adjudication or determinative State / location Committee Chairs and/or the Chair of the RIDC Adjudication Subcommittee and/or the Chair of the RIDC if the CEO considers that would be of assistance.
- 7.2 The CEO shall place before the Board for its consideration his or her report and advice on all applications and reviews under this Policy.
- 7.3 The Board must determine in a reasonable time applications for accreditation, re-accreditation or decide on any review of accreditation in its absolute discretion. Its decision may, without limitation, include rejecting or approving, with or without limitation, any application, or cancelling or imposing conditions on retention on the register on any review.
- 7.4 The CEO shall advise Chairs of the RIDC, the RIDC Adjudication Subcommittee and the State/Region determinative committee and the applicant of any decision by the Board.

## 8 Appeals from The Board's Decisions

- 8.1 Any member the subject of an adverse decision by the Board under section 7.3 may lodge an appeal in writing with the CEO, setting out fully the grounds of the appeal.
- 8.2 The CEO, who may take advice from the Chair of the RIDC Adjudication Subcommittee, or Chair of the RIDC, shall convene an appeal panel consisting of 3 senior members of the RIDC Adjudication Subcommittee and appoint a chair of that panel (**the Appeal Panel**)
- 8.3 Any member the subject of an adverse recommendation by an Assessment Panel may also request a review by an Appeal Panel prior the CEO submitting a final recommendation to the Board.
- 8.4 An Appeal Panel shall conduct itself in accordance with the principles of natural justice including:
- (a) Providing the appellant with all written assessments, reports or determinations in relation to the appellant's application and circumstances;
  - (b) Providing an opportunity to make submissions and be heard by video conference by the Panel; and
  - (c) The appellant and the Resolution Institute shall bear their own costs of the Appeal.
- 8.5 At the conclusion of an appeal, the Appeal Panel shall produce a recommendation to the CEO, to be submitted to the Board for consideration, together with the recommendation provided by the original assessment panel.
- 8.6 So far as is possible, regardless of the outcome of any appeal, the Board, the CEO and each member of the Appeal Panel are to keep confidential the deliberations of the Appeal Panel and the outcome and circumstances of any appeal, unless the Board, acting reasonably, determines to the contrary.

## 9 Appeals from The Board's Decisions

- 9.1 Subject to section 8, the decision of the Board on any matter under this Policy is final and binding, and the Board is not required to give a reason or reasons for any decision.

## 10 Approval and Review Process

Approval and Review	Details
Approval Authority	Board
Committee to Endorse	Adjudication Sub-Committee
Responsible Person	Training & Accreditations Manager
Original Approval Date	2016
Amendment and Review Date	July 2022
Scheduled Review Date	July 2024
Version	FINAL

## Schedule 1

# Application for Accreditation as an Adjudicator

*N.B.:* Applicants should familiarise themselves with the Institute's policy in relation to accreditation of Adjudicators (available on the website: [www.resolution.institute](http://www.resolution.institute))

## Personal Details

Name	
Mailing address	
Telephone	Facsimile
Email	
Date of Birth	

## Jurisdiction

ACT     NSW     NT     SA     TAS     VIC     WA

## Present Positions (if applicable)

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## Academic and Professional Qualifications

## Other

Please attach additional pages if required.

### 1. Adjudication Experience

#### **(a) As Adjudicator:**

#### **(b) As a party to adjudication:**



## 2. Relevant Professional Experience

## 3. Experience in other DR process (initial accreditation only)

## 4. Knowledge of Relevant Law and Procedures:

### **(a) Relevant Law:**

**(b) Adjudication Procedures:**

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*Footnotes*

1. Professional experience generally, eg. as an architect, builder, engineer, lawyer, etc.
2. Experience in contract administration and contract documentation.
3. Experience in conflict management procedures.

**5. Dates of Relevant Courses Attended:**

<b>Title of Course:</b>	<b>Date:</b>	<b>Date passed as competent:</b>

Please provide copy of result notice

**6. Referees**

<b>Name</b>	<b>Contact Details</b>

## 7. Supporting Documents Provided

Include at least two determinations (redacted if necessary) for accreditation

## Declaration and Payment

I wish to be accredited (and graded if in WA) as an Adjudicator with Resolution Institute.

If accredited I wish to be included on Resolution Institute’s published List of Adjudicators, subject to approval by Resolution Institute.

The information provided by me in this application is true and correct. If called upon by Resolution Institute at any time, whether before or after accreditation is granted, to verify the information provided I shall provide verification and supporting documents to show that the information is true and correct.

I enclose the prescribed application fee of \$300.

Signature	Date

Payment of		Please charge my Visa/ Bankcard/ Master Card [Resolution Institute is unable to accept AMEX.]	
Card number		Expiry	
Name on card		CVV	
Signature		Date	