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| **Federal Court of Australia****Expression of Interest - Native Title** **Indigenous Mediator and Indigenous Facilitator** | **crest_floral** |

The Federal Court of Australia is seeking expressions of interest for inclusion in its national list of Indigenous mediators and Indigenous facilitators. The list will replace the existing Native Title Mediator List. Expressions of Interest close on 16 May 2025. Further information is set out in the Attachment.

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| Please 🗹 or complete boxes as appropriate |

# **PART 1: PERSONAL DETAILS**

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| Name:  |  |
| Address: |   |
| Telephone: |  |
| Email: |  |
| Occupation: |  |
| Current Employer: |  |
| Referee name and contact details: |  |
|  |
| Do you identify as Aboriginal or Torres Strait Islander or both? | [ ]  Aboriginal [ ]  Torres Strait Islander [ ]  Both |
| Interest in inclusion as: | [ ]  Mediator [ ]  Facilitator [ ]  Both |

# **PART 2: EXPERIENCE & TRAININGa) Mediation**

 i) Mediation Experience

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| **I have mediation or ADR experience as:** | **Number of Hours (approximately)** |
| [ ]  mediator |  |
| [ ]  co-mediator |  |
| [ ]  observer |  |
| [ ]  experience in other role relevant to mediation. |  |

 ii) Accreditation

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| [ ]  I am **currently** accredited under the National Mediator Accreditation System (attach evidence) |
| [ ]  I have **never** been accredited under the National Mediator Accreditation System. |
| [ ]  I have previously been accredited but have not sought re-accreditation |

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| Please describe your mediation experience, in particular in native title (up to 250 words) |
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# **b) Facilitation Experience**

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| Please describe your facilitation experience, in particular in native title (up to 250 words) |
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# **c) Conflicts**

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| Please indicate any conflict of interest you may have, in particular relating to any native title claim groups, native title holding groups or geographical regions |
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# **d) Curriculum Vitae**

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| Please include a copy of your curriculum vitae |
| [ ]  Attached |

**I certify that the content of this application is true and correct to the best of my knowledge**

|  |  |
| --- | --- |
| Signed: | Date: |
| Name (printed):  |

**Scan and send as a PDF attachment to** **sanativetitle@fedcourt.gov.au** **together with a copy of your curriculum vitae.**

## **Native Title Indigenous Mediator and Indigenous Facilitator List**

The Federal Court of Australia is currently conducting a review and update of its national list of native title mediators (the List). Following both internal and external consultation, the Court has determined to change the List to a list of qualified and experienced Indigenous mediators and Indigenous facilitators. The Court is seeking expressions of interest to be included in this revised list and is particularly interested in expressions of interest from Indigenous mediators and/or facilitators who have demonstrated experience in native title.

The Court will acknowledge all expressions of interests, but not all applicants will be included on the revised list. Assessment and selection for inclusion is entirely at the discretion of the Court.

All information provided in the expression of interest (including curriculum vitae) will be kept in-confidence. However the names and curriculum vitae of all persons included in the revised list will be published on the Court’s website.

**Mediation and Facilitation:** The *Native Title Act 1993* emphasises the resolution of native title matters by agreement. Section 37M of the *Federal Court Act 1976* provides that the overarching purpose of civil practice and procedure is to facilitate the just resolution of disputes according to the law and as quickly, inexpensively and efficiently as possible. Mediators and facilitators play an important role in this regard.

Part 4 Division 1B of the *Native Title Act 1993* sets out the processes and parameters for referral of a native title matter or part of a matter to mediation. The form of dispute resolution under a referral may take a number of forms including:

* mediation of whole matter or discrete issues only;
* co-mediation;
* mediation conducted in a registry in person, by remote conference or on-country

**Inclusion on the List:** The selection of a mediator or facilitator for inclusion in the list does not create a contract between that person and the Court, and no contract will exist until the Court refers a matter to that mediator or facilitator and a formal written contract is entered into for the specific event.

In selecting an appropriate mediator or facilitator for a matter, the Court will have regard to the nature of the referral, availability, cost efficiency, any issues of conflict, the parties’ views and relevant expertise of the mediator or facilitator.

**Fees:** Fee rates will be contained in the written contract entered into between the Court and mediator or facilitator. Fees will be remunerated as follows:

* for an ongoing and long-term commitment, the mediator or facilitator will be paid at the rate of a Registrar of the Court and be engaged on a fixed term contract;
* for a particular issue or event, the remuneration rate will be referrable to either:
* the per diem rate of an ordinary member of the National Native Title Tribunal (solicitor, junior counsel or other mediation/facilitation professional); or
* the daily fee of an acting Supreme Court Judge, as set by the NSW Statutory and other Offices Remuneration Tribunal (senior counsel, prior or current tribunal member or judge or other prominent person at the discretion of the Chief Executive of the Court).
* the remuneration rate is exclusive of GST where the mediator or facilitator conducts business using an ABN;
* the Court will cover reasonable travel and accommodation costs, however travel allowance is not payable;
* except where a part time employment contract is entered into, the mediator or facilitator is required to invoice the Court at the completion of the event;
* mediators and facilitators remunerated at the higher level are entitled to business class flights and those at the lower level are entitled to economy class flights.

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| **Contact Person**  |
| Registrar Amarah Henderson-Wilson |
| sanativetitle@fedcourt.gov.au |