A Joint Project of...
Australian Dispute Resolution Association Inc. (ADRA)
South Australian Dispute Resolution Association (SADRA)
Victoria Association for Dispute Resolution (VADR)

President's Letter

Michael White, VADR President

Since 1986 the Mediation Association of Victoria, now the Victorian Association for Dispute Resolution, has been bringing together practitioners and students of alternative dispute resolution in Victoria.

VADR's membership includes a diverse range of practitioners including commercial, community, family and workplace mediators, lawyers, educators, conflict consultants and associated practitioners.

One of the key outputs of VADR over the last two years has been the production of a Mediation in Education brochure, designed to promote the use of mediation and alternative dispute resolution in schools. Many Victorian Schools are now adopting mediation as an early intervention strategy to resolve conflict in the playground, classroom and sometimes even the staffroom. The Mediation in Education brochure will be published and distributed to schools when we can access funding to print it. In the meantime it is online in a printable format at www.ausdispute.unisa.edu.au/VADRbrochure.PDF. Thanks are due to the members of the committee who have put in hours of work to bring this project to completion and I would commend the finished product to you and welcome your feedback.

Further on the issue of education and mediation, I would like to bring to everyone's attention the development of a new qualification for mediators. As part of the review of the Community Services Training Package by the Community Services Health Training Authority, a Certificate IV in Community Mediation has been described. This qualification is competency-based, designed for delivery by Registered Training Organisations (private and TAFE). The object is to provide a nationally recognised competency based qualification for use by the growing number of people involved in community mediation.

The compulsory competencies include:

CHCCD12A Undertake work in the community services industry

CHCORG4A Follow the organisation's occupational health and safety policies

CHCORG5A Maintain an effective work environment

CHCCH4A Work with other services

CHCDFV1A Recognise and respond to domestic and family violence

CHCMED401A Conduct a sound assessment of a dispute for mediation

CHCMED402A Gather and use information for the mediation process

CHCMED403A Manage communication exchanges to define the dispute

CHCMED404A Facilitate the Mediation process

CHCMED405A Facilitate interaction between clients

CHCMED406A Consolidate and conclude the Mediation process

CHCMED407A Reflect and improve upon professional mediation practice

There are a number of elective competencies. These include:

CHCP&R3A Undertake research activities

HLTCSD6A Respond effectively to difficult or challenging behaviour

HLTHIR4A Work effectively in a cross cultural context with Aboriginal and Torres Strait Islander colleagues, clients and organisations

HLTHIR3A Work effectively with culturally diverse patients, clients, customers and co-workers

CHCAD2A Support the interests, rights and needs of clients within duty of care requirements

CHCNET1A Participate in networks

There is not enough space here to go into the content of these competencies or even the appropriateness. However what I wish to do is to highlight that this process is underway and that it is critical that all interested parties respond to the CSHTA call for input and feedback on this process. This can be done through the CSHTA website at www.cshta.com.au where you will find links to the websites that will give in depth descriptions of each of these units of competency. It is likely that once this qualification is validated, it will be delivered by TAFE and private providers where they find, or can create, a demand. This makes it essential that as many stakeholders as possible from our field have input. The timeframes are very short as the finalised CSTP is due for release in the middle of the year. If you have not hade input please do so as soon as possible.

In view of the great interest in the field in standards I feel that one of the first places in which we can have input to the importance of professional behaviour and practice is where people are being trained to mediate. Considering how important basic training is to the development of new mediators, the development of effective and appropriate training is a critical step and we should all endeavour to ensure that such training meets the needs of the field.

Conflict Resolution in Schools

Sandy Cahir

The Mediation in Education sub-committee of the Victorian Association for Dispute Resolution, has recently published its brochure on mediation in schools. Titled *Conflict Resolution in Schools* the brochure provides an overview of the process of mediation, and its value in the school setting.

The purpose of the brochure is to encourage and help schools to achieve co-operative and supportive working relationships between staff, students and parents. The brochure describes the positive problem-solving process of mediation, and outlines how, when utilised by schools, less conflict and better outcomes for all involved in a conflict are possible. The brochure is presented as a resource for school communities in the primary and secondary sectors, and provides case studies for a range of disputes in school settings.

Advice on the types of conflicts that can be mediated in schools, as well as information on training, is available in the brochure. *Conflict Resolution in Schools* will be valuable for schools implementing a whole school approach to the management of conflict.

Thanks to the efforts of David Baker at SADRA, the brochure can now be accessed through a link to VADR at http://www.ausdispute.unisa.edu.au/VADRbrochure.PDF.

Links to the brochure can also be found at the Department of Education and Training website, and the Centre for Adolescent Health website.

Work on the brochure is a result of the collaborative efforts of Sandy Cahir, Education & Training Unit, Centre for Adolescent Health; Liz Freeman, Senior Lecturer, Faculty of Education, University of Melbourne; Fran Gass, Student Welfare Consultant, Department of Education and Training; Monica Hill, Psychologist and Mediator, and Fred Stern, Mediation Trainer and Consultant, Anglicare, Victoria. Further contact details can be found on the brochure.

Finally, the Mediation in Education sub-committee wishes to thank the VADR committee for its ongoing support in the development of this brochure.

Designing a Dispute Resolution System: The Constraints for Educational Institutions

Pat Marshall

This paper has arisen from my roles as teacher and administrator in education for many years, from my interventions as a mediator, and from teaching post-graduate and Masters courses to teachers in recent years.

Many organisations in Australia are adopting dispute resolution systems. They understand that while conflict may be constructive, disputes in the workplace often lead to dysfunctional conflict. Their models frequently take the form advocated by Ury, Brett and Goldberg (1988) of moving from the interest-based processes of negotiation and mediation, to the option of rights-based processes, such as arbitration or rulings by tribunals. Later theorists have endorsed this model as being cost effective (Slaikeu and Hasson, 1998, 36) and emotionally satisfying for participants(19).

The paper questions why educational institutions (particularly schools) find it difficult to design such a dispute resolution system. Of particular concern is the role schools play in modelling to students effective means of resolving disputes.

The Constraints

I propose that the constraints on applying this conflict management model lie in the following factors:

- the nature of the client
- the nature of the service
- the nature of the culture
- the nature of the task.

The Nature of the Client

First, teachers are very conscious of their responsibility to their primary client - the child or young adult. Mandatory reporting of behaviours such as abuse or harassment or bullying has legitimated the teacher's intrinsic desire to care pastorally for the child. Teachers, therefore, seek to 'avoid unnecessary power plays', a fact argued strongly in a recent paper by one of my post graduate students (Hickey, 2001, 9). Often, the avoidance of 'unnecessary power plays' becomes an avoidance of dealing with the conflict situation.

Ironically, this strategic use of avoidance as an act of pastoral care can work against the student and against the teacher - against the student because the over-use of avoidance as the preferred model prevents the student being presented with other pedagogical models; against the teacher, because power may be subtly shifted from the teacher to the student because the 'real' issues are not dealt with. In order to maintain social relationships, 'peace at any cost' is sought, and this peace may be found in avoiding confronting the issues.

When this unsatisfactory situation occurs, teachers frequently resort to what they know and do best - they adjudicate on the matter. In this way, the participants in the dispute resolution 'system' by-pass negotiation and mediation, and move directly from avoidance to adjudication.

The Nature of the Task

Like most other professionals, teachers are required to make professional judgements. But teachers are required to make judgements, not only about worth, but also about rank. Examination systems, tertiary entrance and recognition for students in the fields of academia, sport and cultural life depend on the teacher's making sound judgements not only on the worth of the student's contribution, but also that worth in comparison with others. Other professionals such as doctors may be required to rank one's client's need against another; the adviser may have to weigh up priorities of the urgency of intervention, but these professionals are not required on a daily basis to adjudicate not only on performance but on motives (as in the case of the recalcitrant adolescent) and, further, on whether or not punitive responses should be implemented. Amongst other professionals, the police are the only ones required to respond in a similar punitive fashion.

It is no wonder, therefore, that teachers resort frequently to adjudicative measures when trying to resolve conflict. In the state of Victoria in Australia this imperative is being reinforced in the return to the emphasis on the examination system.

The Nature of the Service

Teaching in schools involves 'service' to a dual client - the student and the parent, whose interests are often antithetical to those of their offspring. Parents, for example, frequently see the happiness of their child as residing in security - of examination results and tertiary entrance. Students, on the other hand, see their happiness as being grounded in their relationships - being accepted by their peers. Further, cross-cultural backgrounds (Raider, 1995,115) can exacerbate these differences in values between parent and child.

Balancing these interests and negotiating so that both clients achieve their aims is immensely depleting of the teacher's emotional and intellectual resources. The result of this depletion is that little energy is left to negotiate with the other entity with whom there is an inter-dependent relationship, namely the colleague. Indeed, anecdotal evidence indicates that inter-collegial disputes are the cause of the greatest anxiety and stress. Such disputes arise in the resource - depleting context of providing service to two equally demanding, but frequently diametrically opposed, client groups.

When such depletion occurs, negotiating ability is eroded. In the model advocated by Ury, Brett and Goldberg, inability to negotiate encourages the parties to move to the involvement of the third party, either the mediator or arbitrator. Mediating or arbitrating practitioners see an important difference between the two interventions, but, in my experience, teachers equate the two. I believe this equation arises from the third factor, the nature of the culture.

The Nature of the Culture

Conventional wisdom states that teachers find autonomy in the classroom, and that they work often as isolationists (Hargreaves et al. 2001). These barriers are breaking down under the new wisdom of 'teacher as facilitator' (Heron, 1993) rather than the fount of knowledge, and teacher as team member rather than isolationist. But even though the required behaviours are changing, the same values may be present particularly when we consider that the average age of Australian teachers is early forties. So the values of autonomy, independence and

self-efficacy, frequently impede the willingness to employ a process which is controlled by a third party. Such a process is seen as a defeat, an admission of incapability, when all of one's professional life is devoted to appearing capable to young people who are perceived as needing that security and reassurance. As the 'expert' in so many situations, teachers are reluctant to defer to another 'expert'.

Indeed, I believe that this reliance on one's own expertise is shared by all professionals, and possibly explains why we see reluctance among professional groups to use mediation. This is borne out by Bendersky's research on a human resources department in an enterprising company in which 'the very fact that an employee would seek help to confront a problem reflected poorly on him or her....Needing a third party to help resolve conflicts implied an inability to perform an essential job function.' (1998, 308)

Implications

The failure to take up interest-based dispute resolution processes is too often attributed to a lack of expertise among teachers, or to the lack of will of the School Principal. While both of these issues may need addressing, the structural conditions I have identified create greater impediments.

Costantino and Sickles Merchant (1996) support this contention. They acknowledge that 'those ADR methods that are congruent with the organisation's characteristics are more likely to be identifiable to disputants and used by them recurrently'(122).

Understanding these constraints will have an impact on:

- **training.** While conflict resolution may involve the use of generic skills, training itself should not be generic. Instead, stakeholders should be identified and training targetted at the specific situations requiring negotiation with those with whom one has an inter-dependent relationship. In the case of the teacher, this relationship exists with the student, the parent, the colleague and the school administrator.

- **resource allocation.** Establishing the costs of conflict in terms of stress, absenteeism, and resignations provides vital data against which resources can be allocated. In this way, the points of greatest stress can be identified and resources targetted at those points. Schools, for example, make too infrequent use of Employee Assistance Programs, or Human

Resource supports, concentrating more on capital works and technological support.

- **challenging cultures of independence.** In schools, we are frequently caught up with the model of the independent learner, and the model certainly has its place. But we forget that in a complex world more can be achieved when we accept inter-dependence, and realise that inter-dependence does not threaten, but, indeed, enhances personal efficacy. Workplace realities also highlight how anachronistic is the focus on the individual learner who is assessed, then ranked competitively against his / her peers.

- **recognition of the limitations of interest-based processes.** It may be that rights-based processes may be more suitable to certain organisations and professional groups. Rowe (1997) is helpful in stipulating the elements of a 'fair internal process' which include:

  o 'reasonable timeliness, impartiality of investigation and decision making and freedom from arbitrariness and capriciousness' (94). I would add that a fair process is one that is agreed on by stakeholders, is transparent and seen to be based on objective criteria.

I propose that the four variables I have identified be addressed when we are assessing the suitability of dispute resolution processes in any work environment.

Pat Marshall is Director of Marshall Enterprise Learning and a consultant to organisations in education and training, conflict resolution strategies and process, and a consultant in mediation of disputes and facilitation of group processes. She is a lecturer in the Dept. of Learning and Educational Development at the University of Melbourne, and Co-ordinator of the Mediation Short Course and Mediation in Education, School of Behavioural Science, University of Melbourne. As well she is a gazetted mediator with the Dept. of Justice, Victoria.

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Children in Focus

A professional development program for practitioners working with separating parents

The Australian Institute for Primary Care at La Trobe University is organising a series of Symposia and Workshops for dispute resolution practitioners, counsellors, therapists and other professionals who work with separating parents.

Developed and run by leading Australian and international experts in child psychology, family law, mediation and counselling, and family therapy, the Children in Focus program will be delivered nationally from May until September 2002. The program is auspiced by the Federal Attorney-General's Department.

The central aim of Children in Focus is to raise awareness of the centrality of children in family disputes, legally and psychologically, and to promote pathways for achieving child-sensitive outcomes at various points of contact with parents during separation - principally through counselling and mediation.

Three distinct training forums will be provided, designed to build upon existing expertise in the field. These are: a Children in Focus Symposium (featuring a presentation by Dr Joan Kelly, California); Workshop 1: Parents in Conflict, Children in Focus; and Workshop 2: Child Inclusive Practices for Mediation and Counselling. Participants can attend part, or all, of the Program. Resource materials, follow-up support and supervision opportunities will also be available.

The Children in Focus program will provide multiple levels of input and skill development around child focused practice in parental separation, particularly exploring Family Law related implications for supportive yet directive practice in mediation, conciliation and counselling. Other professionals who frequently deal with separating families will also find this training helpful. In particular, the program will be useful for practitioners dealing with high conflict couples.

Further information can be obtained by contacting Mary Caruana
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aking diversity work.
Using the power of mediation to harness the power of diversity.

Jock Noble

As the Australian workforce becomes increasingly diverse, one can no longer refer to a typical employee, a typical manager or a typical customer. Today's workforce varies considerably with respect to values, beliefs, work-life expectations, racial background, gender, age, sexual orientation, and religious beliefs. Research shows that workforce diversity increases corporate creativity, productivity and problem solving capabilities, as well as giving companies greater flexibility in adapting to change. Diverse work teams also have the capacity to consider a greater range of perspectives and to generate more high quality solutions than less diverse groups.

Companies are beginning to introduce policies that recognise there is value in promoting workforce diversity, however, although diversity can lead to the opportunities and human resource benefits described above, other studies show that the greater the diversity in a group, the less integrated the group is likely to be, and the greater the likelihood of conflict.

All people and all organisations have ways of dealing with conflict. Whether conflict is valuable as part of a creative and problem solving approach or destructive and leading to the breakdown of relationships, depends entirely on how it is managed by the participants and those around them. The question is, whether today's managers are equipped to deal constructively with disputes. Studies have shown that the tools managers normally use to deal with conflict are in fact inclined to create it, and disputants themselves typically do not know how to create positive options and outcomes for themselves. Organisations spend enormous time, energy and money cleaning up messes created after long ignored or hidden issues erupt.

For example a key part of resolving any conflict, is allowing the disputants to vent emotion and express their frustrations. Yet how many companies provide a forum for disputing staff to express frustrations constructively? When conflict and high emotions arise at a staff meeting, a manager will typically be expected to 'take control' of the situation, usually harboring his / her own fears about allowing a situation to 'escalate', or 'get out of control'. Managers typically manage using the power that has been conferred on them, by making decisions and giving orders, irrespective of the ramifications that these decisions may have on other affected parties. Once a conflict arises, more instructions, rules or pronouncements are unlikely to possess the characteristics that will lead to a durable resolution. Disputes between managers will typically flow on to the staff below them. If managers do not recognise their role as an underlying cause of a problem, they are likely to project subsequent problems onto other workers, in another form of 'blame the victim'.

Rather than allowing disputes to become destructive, managers need to develop skills that will enable them to make conflict resolution a constructive process. From a mediator's point of view, durable resolutions are only possible when all parties are satisfied with the result. This means that the interests of all parties must be explored to determine how many of each party's interests can be met.

Conflict is often seen as negative or destructive and something that should be avoided or suppressed. Exploring diverse views or opinions is seen as likely to create division and so is criticised, overlooked or ignored. Hierarchy and the power of individuals inevitably creates a 'them and us' mentality, and when a conflict arises the perception is that it will be settled in a win-lose outcome.

Managers need to understand that conflict is normal and natural and can provide an opportunity to talk about issues openly and honestly. It can help people to develop trust and establish authentic relationships. When conflict is well managed it can bring increases in energy and productivity into a workplace. In traditional power relationships, conflict can lead supervisors and subordinates to recognise that they have mutual interests that can be worked on collaboratively.

According to American, Taylor Cox, managers typically spend one third of their time dealing with conflict and need assistance from experts in developing and applying alternative conflict management techniques and mediation.

Mediation, with its lower costs, greater employee satisfaction, maintenance of better relationships and fewer reoccurring disputes, must be in the best interests of corporations. But two issues arise; firstly, few managers are trained in interest-based conflict resolution, and secondly, managers often do not have the necessary neutrality to conduct successful mediations. A 1999 empirical study of ombudspersons in organisations revealed that disputants were less prepared to be flexible in seeking solutions when peers made recommendations, irrespective of their quality, than when third parties were involved (Arnold and O'Connor 1999).

The guidance that mediators working in corporations will provide, differs from the way in which untrained managers are likely to resolve disputes. Mediators are trained to:

- allow all disputants to express their frustrations and feel heard

- settle the dispute, while maintaining or improving relationships

- resolve the dispute as quickly as possible and avoid legal or other costs

- enable fair agreements to be reached that can be implemented and will have durability

- ensure that if a subsequent issue arises, an agreed process will be in place to seek resolution.

Trust is also one of the first things to break down in conflict. In most disputes participants are unlikely to trust each other or a process, without the intervention of a neutral and independent third party, such as a mediator.

All organisational disputes are either likely to be ignored, arbitrated involving the authority of a manager, follow organisational policy and grievance procedures, involve adversarial negotiations between unions and employer bodies or resort to the legal system. However an examination of each of these alternatives (unless mediation is prescribed by the court system) suggests that the most likely outcome will include a winner and a loser.

A manager's natural inclination (in fact the reason that they often succeed as managers) is to quickly assess a situation and options, and to implement a decision. For many successful managers, canvassing the views of other interests is akin to market research of the stakeholders, to establish what the manager believes they can 'live with'. This approach does little to meet the underlying interests of the parties in most disputes. There are a number of common elements to the resolution of any dispute, however unless the disputants perceive that there is a possibility for a solution, the most likely option is to avoid dealing with the dispute, or allow it to continue or escalate.

The advantage of mediators is twofold: firstly they educate disputants in ways that can increase the size of the pie to be shared by the stakeholders, and secondly they introduce skills that differ from the dominant managerial culture of win and lose. Successful mediators will hold a number of key assumptions and part of the process of the mediation will be convincing the participants to share these assumptions. Primary amongst these is that the dispute is solvable, that it is likely to be in the best interests of the parties to develop a solution, and that the parties themselves have the power to resolve their dispute.

Authors Wilmot and Yarborough propose that successful mediations in organisations are based on the following

assumptions:

- conflict is both inevitable and solvable

- diversity is valued and conformity is not required

- most situations can be improved

- each side in a dispute has a piece of the truth and a piece of the solution

- there is no one right answer

- there are similarities as well as differences between people in conflict

- history needs to be acknowledged, but present problems are the ones to solve.

A compelling argument for having external, neutral mediation as part of a company's dispute resolution process is that disputants are more able to trust a process that can explore underlying interests, as well as maintaining confidentiality from corporate files and records. In a corporate setting, the manager who may purport to be neutral to the outcome of the dispute to the parties, will only be neutral to the extent that it fits with their own interests and then also the interests of his or her company.

One of the restraints to designing a conflict management system is that companies are likely to have power hierarchies, rules and cultures that will impede free design of an alternative dispute resolution system that includes mediation.

Organisations and management that fail to harness the power of workforce diversity not only risk significant costs, but also lose the opportunity to develop significant competitive advantages to generate innovative and creative ideas and to tap into all aspects of their potential markets.

Jock Noble is Chief Executive officer of Diversity@work. Jock is responsible for developing the training package, *Opening the door for people with a disability*, which is delivered Australia wide. Jock has completed a Masters Degree in Enterprise Innovation with the centre for Innovation and Enterprise, and is currently undertaking post-graduate studies in mediation and conflict resolution at La Trobe University. He guest lectures on Diversity at both Melbourne and Monash Universities, and is an associate trainer with the Canadian-based conflict management consultancy, The Trillium Group.

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Book Review
Reviewed by Jane Picton

Mediating Dangerously: The Frontiers of Conflict Resolution.
Kenneth Cloke, 2001, Jossey-Bass, USA

What an intriguing title! Kenneth Cloke, the author of this book, is the Director of the Centre for Dispute Resolution in Santa Monica, California. Cloke writes from vast experience of over 30 years of not only being a mediator, but also an arbitrator, judge and university professor. He writes easily and convincingly, advocating a modified transformative model of mediation, which he sees as primarily an interactive process engaging the disputing parties.

Cloke believes that as 'mediators we need to avoid producing agreements that do not resolve conflicts but merely suppress, silence or settle them, that result not in growth but in reluctant acquiescence and ending discord' (p.5). As an alternative, Cloke suggests that mediators should consider using a modified version of Folger's (1994) transformative model, which is 'based on a more intuitive, integrative, dangerous approach to mediation' (p.11). He advocates not directing, but also not standing back either from the parties' conflict, but

interacting with the parties and reflecting on possibilities, based on intuitive assessments (p.12). The term intuitive may disturb some, although probably all mediators will have experienced a session when they were aware of their own feelings about what is occurring, but cannot explain exactly why they are reaching a conclusion at that point.

Cloke does not recommend discarding the mediation process or structure, but adding 'skill, intuition, flexibility and the ability to be dangerously honest and empathetic' (p.12). He believes that in a directive or facilitative or transformative model, mediators tend not to express their own views, but emphasise their neutrality.

The author makes some interesting observations about neutrality and its meaning and value. He believes that parties to a dispute sometimes see the mediator's neutrality as a 'mask for partiality or indifference', but that what is actually needed is an 'appearance of neutrality' with an

empathy and the ability to find the inner connection between both sides' stories. He seems to imply that rigid neutrality can prevent a move forward to a real resolution of the dispute. What he is proposing is a method of mediating which is more interactive, and, as he describes it, more dangerous because of the risk taking. But he considers that this produces results and real settlements. This is an interesting argument as it is an aspect which is often of concern to mediators that by expressing an opinion of any kind it can be misinterpreted as being biased.

Cloke usefully discusses various ways of managing emotions that are frequently embedded in a conflict. These include fear, revenge, attachment, grief, passion, shame, power and rage.

The second half of the book makes interesting reading with its coverage of dispute resolution in the wider community and internationally. Overall this book is a valuable contribution to mediation literature.

Mediation Training for East Timorese Public Servants

Tony Fitzgerald Co-ordinator, Resolve Darwin

In November 2000 Anglicare Top End, through its Resolve Mediation service, was approached by the Land Property Unit of UNTAET (UN Transitional Administration in East Timor) ('the Unit') to train its Timorese staff members in mediation and dispute resolution. The approach was made by former NT Chief Magistrate Ian Gray who headed the Unit at the time.

At present land tenure in East Timor is governed by an unmanageable hybrid of traditional (customary) law, Portuguese law (the Portuguese came for sandalwood and departed after 400 years), Indonesian law (25 years of Indonesian occupation) and UN law. There is no Titles Office as the Indonesians during their exit from Timor destroyed it, together with the old Registry and all its records. The fledgling and under-resourced court system is unable to allocate a high priority to land tenure disputes.

The Unit is responsible for the management of land tenure and related land use problems in East Timor. It is envisaged that the Unit will eventually become the 'Titles Office' of East Timor, but before that transition takes place a new titles Registry must be created - and this requires the resolution of many disputes.

Timor has an agrarian-based economy, and stable management of land is absolutely essential to the well being of its society, its economy, and its people. Indonesia recognised this by giving its official sanction to customary Timorese title. The Unit realised that, in the absence of a viable dispute resolution system to handle fundamental land disputes, there was a risk of widespread social disharmony and even violence.

Both the Unit and Resolve were aware that in the present climate an ideal opportunity existed (and still exists) to weave mediation into the Timorese dispute resolution fabric. The benefits of mediating disputes, rather than using some form of adversarial dispute resolution, are well documented. They include allowing the disputants to retain control of the dispute, maintenance of relationships through co-operative problem solving (of crucial importance in the area of ongoing land management), and significant savings in cost and time.

It was originally proposed to train ten Timorese employees of the Unit in Darwin. Indigenous Timorese trainees were targeted because of their ability to deal with local and cultural issues and their demonstrated interest in assisting their compatriots to resolve their own land disputes.

In the event eight trainees arrived for five days training in early December 2000 after two contracted TB. and were refused entry. They were a most impressive and spirited group of indigenous Timorese men - ranging from young recent law graduates (Indonesian educated) to public servants who had worked for many years in the Indonesian civil service in East Timor. All were committed to the advancement of their nation, but under no illusion as to the daunting nature of their brief. In the East Timorese context, where land tenure is fundamental to the way of life, they were interested in the potential of dispute resolution through mediation to indirectly benefit (through enhanced community harmony) other sectors of Timorese society.

Training lasted for 5 days in the 'Harbour Room' of Christ Church Anglican Cathedral on the Esplanade which is an excellent venue and available for hire for those interested. Devised and presented by Darwin-based trainers and stalwart members of the Law Society's ADR Committee Tony Fitzgerald (Co-ordinator Resolve) and Pat McIntyre (mediator and barrister), the course consisted of formal instruction, role plays, observation of the Supreme and Magistrates Courts in session, and observation of an actual mediation using Resolve's closed-circuit TV system.

The trainees' language of choice was 'Bahasa Indonesia' which was managed with the able assistance of a tag team of two brilliant 'interpreteuses'- Umi Rasmi, a Darwin-based Indonesian woman, and Siobhan Campbell, a Dili-based Australian woman.

The trainees were enthusiastically received by members of Darwin's Timorese community - members of which attended the graduation ceremony and dinner, provided the venue for the ceremony (the Portuguese Timor Social Club), catered for the dinner, and arranged for the trainees to appear live on Community Radio

Total costs of the project were met jointly by Anglicare and the Unit. It was a well received course.

"SOS"
SETTLEMENT ONLINE SYSTEMS

When crossing the final gap prevents parties reaching an agreement and the parties are at an impasse an innovative service now offers an online settlement service that may be an option for the parties to consider.

New Financial Settlement and Dispute Resolution Service

A web-based consensus-oriented process for resolving financial disputes SETTLEMENT ONLINE SYSTEMS "SOS", is now available online or offline in Australia and is proving to be an invaluable part of the mediator's 'tool kit'.

This new independent ADR service offers a speedy and cost efficient settlement process for any type of financial claim where the issue is one of quantum. Developed by two lawyers and mediators, SOS provides a confidential, automated negotiating process that encourages both parties to a financial dispute to reach a fast, cost effective final settlement without having to go to court. Negotiations are without prejudice as positions are never disclosed because neither party ever sees what the other party has demanded or offered.

SOS can be used successfully in a wide range of dispute situations with which mediators are familair, including:

- Insurance claims of all types (eg personal injury, public liability)
- Contractual disputes
- Workplace and employment related disputes
- Franchise and landlord/tenant related disputes
- Consumer complaints
- Family law and relationship disputes involving money

for further information:
www.settlementonlinesystems.com.au

IV International Conference of the World Mediation Forum

Building Peaceful Co-existence: Mediation and Negotiation in a Conflictual World

Buenos Aires Sheraton Hotel & Convention Center Buenos Aires, Argentina 9-11 May 2003

Organisers World Mediation Forum Asociaciûn Interdisciplinaria de Mediaciûn en la Cultura y la Sociedad. Delegaciûn del F.M.M. The next conference chairperson is Professor Juan Tansk.

For further information:

- If you wish to receive more detailed printed information, please send us your mail address.

- If you know other colleagues that may wish to receive information, please send us their e-mail.

- Let us know the language in which you want to receive further information:Spanish, English, Portuguese, French.

Contact

Conference Secretariat Organizaciûn Bayfem - Av. Cûrdoba 2302 6∫ "K" (C1120AAS) Buenos Aires Argentina

Phone: (54 11) 4951 8139
Fax: (54 11) 4952 4501
wmf@bayfem.com.ar
www.bayfem.com.ar

ADR Forum

Wednesday 12 June 2002

5pm to 7pm

Level 8 Exchange Plaza Conference Suite no 2

The Esplanade, PERTH, WA

You are cordially invited to participate in a consultative forum on ADR convened by the National Alternative Dispute Resolution Advisory Council (NADRAC).

Forum aims

To provide information on NADRAC's work

To gain input from participants in relation to NADRAC's priority areas

- Effective use of ADR by courts and tribunals
- Promoting the appropriate use of ADR
- Enhancing quality and consistency in ADR
- Supporting diversity and innovation in ADR
- Improving ADR research and evaluation

Program

- Opening by Hon. Daryl Williams AM QC MP, Commonwealth Attorney-General
- Address by the Hon. Chief Justice David Malcolm AC, WA Supreme Court
- Overview of NADRAC activities by Professor Laurence Boulle, chair of NADRAC
- Questions and comments
- Small group discussion, and report back
- Light refreshments provided

Information www.nadrac.gov.au or 02 6250 6272

Registration

phone 02 6250 6272
fax 02 6250 5911
e-mail nadrac@ag.gov.au

AFMA A0037705

Australian Family Mediation Association

Ross House   247 Flinders Lane   Melbourne   Vic   3000

The Australian Family Mediation Association was launched in Melbourne in February 1999. Our goal is to support, promote and develop the use of family mediation in Australia. Anyone interested in joining or finding out information about AFMA, please contact

Dawn Rees –

By Telephone: (H) (03) 9523-6565
By Fax: (03) 9523-6464
By Email: dawnr@vla.vic.gov.au

COURSES & TRAINING

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LEADR, National Dispute Centre
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Fax: (02) 9232 3024
leadr.com.au
• Lawyers and Mediation Workshops, 4 day
• Refreshers to assist with Accreditation.
• Advanced Mediation Workshop
leadr@fl.asn.au

Mediate Today
Contact: Lorraine Djurican
Tel: (02)9223 2255 Fax: (02)9223 6058

Relationships Australia (NSW)
Suite 1902 Tower 1
500 Oxford St
Bondi Junction NSW 2022
Tel: (02)9387 4211 Fax: (02)9387 7485
Mediation Courses:
• 42 hour over 4 weeks, Sydney
• 16 week x 6 hours pw, (VETAB Accredited) Sydney
• 6 day, over 3 weeks Mediation Course, Sydney; Newcastle
• 1 day 'Conflict in Community Based Organisations'
Continuing Mediator Education Program (Sydney)

The Accord Group
Level 2, 370 Pitt St, Sydney NSW 2000
Tel: (02) 9264 9506 Fax: (02) 9264 8268
• Commercial Mediation Training, 4 day course.
• In-house courses in conflict resolution and negotiation.

Australian Commercial Disputes Centre
Level 6, 50 Park St, Sydney NSW 2000
Contact: Jeff Kinder
Tel: (02) 9267 1000 Fax: (02) 9267 3125
www.acdc.com.au
Mediation- Accredited 3-day courses (stages 1,2 & 3) in:
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crnms@bigpond.com
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• Mediation, facilitation skills training.
• In-house training tailored to your needs

VICTORIA

Melbourne University
Mediation Skills Training
International Conflict Resolution Centre
• Mediation for managers
February 11-14 2002
• Children's Reactions to Global Trauma

February 28, 2002
• Mediation Short Course
Commences March 8, 2002
• Applying MBTI in Conflict Situations
April 6 & 7, 2002
• Gifted Children at peace
April 21, 2002
• Mediation by Distance Education
Commences June 12
Weekend Workshop July 20 & 21 2002
• Managing conflict in planning
July 5, 12, & 19, 2002
• Advanced Course in Mediation
July 27 & 28, 2002

Detailed course descriptions and application forms can be obtained from our website:
www.psych.unimelb.edu.au/icrc or contact Ms Helen Fawkner Ph 83447035 Fax 93476618

Family Mediation Centre
Level 4 1001 Nepean Highway
Moorabbin Vic 3189
Contact: Marie Garric
Tel: (03) 95559300 Fax(03) 95551765
family@mediation.com.au
http:www.mediation.com.au
3 day Family Mediation Training Courses
Level 1
25, 26, & 27 March 2002
29, 30 &31 July 2002
Level 2
24, 25 & 26 June 2002
28, 29 &30 October 2002
Application forms available from the website
Training link
Dalia Loannides
Administration Manager
Family Mediation Centre
(03) 9555 9300

Barwon Youth Accommodation Service
Geelong, Victoria
Professional Mediation Workshop
2-Day workshop structured on competency-based learning principals. An introduction to the process, negotiation skills, problem solving and how to identify key issues.
Contact: Steven Smith
Tel: 52232966 Fax: 52290102
Steven@byas.asn.au

REFS Mediation & Conflict Resolution
Training
Part A An introduction to the process and principles of mediation using the REFS co-mediation model. Develops an understanding of the use of mediation as an early intervention strategy in conflict.
Part B Assists mediators to develop negotiation skills, handle common problems and overcome barriers in mediation.
Part B also introduces participants to other mediation models and conflict resolution.
Part A and B combined comprise a Nationally Accredited short course in Mediation and Conflict Resolution. Training will be offered throughout Australia and can also be provided

on a consultancy basis for organisations. Dates are available on our website or by contacting our office.
Contact: Andrew Horsfield
National Training Manager
Tel: (03) 9899 9850
Fax: (03) 9899 9851
Email: training@refs.asn.au
Web: www.refs.asn.au

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2 WORKSHOPS
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Enq: Ena Shaw 9432 3033
The 2 courses together comply with training requirements for family & child mediators in the Family Law Regulations, [regulation 60(1)(b)].
Training offered on a consultancy basis tailored to special needs.
Relationships Australia
greens@rav.org.au
www.relationships.com.au

QUEENSLAND

Alternative Dispute Resolution Branch
Dept. of Justice GPO Box 149,
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Fax: (07) 3239 6284
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Diploma of Mediation (Co-Mediation)
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Fax: (07) 3839 4194 sh@relateqld.asn.au

Master of Dispute Resolution
www.bond.edu.au/law/index.htm
email: law@bond.edu.au
Dispute Resolution Centre, Bond University,
Gold Coast, QLD 4229. Tel: (07) 5595 2039
Fax: (07) 5595 2036 Email: drc@bond.edu.au
3-day Basic Mediation Course
4-day Advanced Mediation Course

COURSES & TRAINING

UNIVERSITY CERTIFICATES DIPLOMA, DEGREES

SOUTH AUSTRALIA

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School of Social Work & Social Policy,
University of South Australia,**
St Bernard's Rd, Magill,
South Australia, 5072
Director: Dale Bagshaw
Tel: 61 8 8302 4375/8,
Mob: 0413 536 136
Fax: 61 8 8302 4377
email: dale.bagshaw@unisa.edu.au
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Conflict Management Research Group
Website address:
http://www.humanities.unisa.edu.au/
cmrg/
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Directory
Website address:
http://www.ausdispute.unisa.edu.au
Program Director: Master of Social Work;
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information
and course outlines available on the
following
website:
http://www.unisa.edu.au/discipline/
eas.htm
Visit our special Culture of Peace News
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global
website established in partnership with the
International Conflict Resolution Centre at
The University of Melbourne and
UNESCO
for the Year of Culture and Peace:
http://www.peacekeys.com.au

TASMANIA

Positive Solutions, 11 Liverpool St,
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Contact: Lyn Newitt or Megan Kube
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VICTORIA

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QUEENSLAND

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(T C Beirne School of Law)

Graduate Certificate in Applied Law

email: t.booth@mailbox.uq.edu.au

www.http://www.uq.edu.au/law/

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Deadline for Articles for Next Issue of Mediation News

The deadline for articles for the next issue of Mediation News is 31 May 2002.
Please send articles, letters, news items, book reviews to:
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Email: tompa@box.net.au

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