



MediationNews

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Letter from the President

Eileen Detbridge, VADR President

Welcome to the second issue of *Mediation News* for 1999. It is both late and full. This is my first "letter from the President" and after one year in the position I appreciate more than ever the hard work done by Diana Pittock who was President for six years to September 1998. On behalf of the committee and members of VADR I would like to publicly express our gratitude for her devoted commitment to A.D.R and the work of the Association.

In preparation for the recent 13th A.G.M of VADR, the committee spent much time contemplating goals and priorities for the next year. The question of what a general "umbrella" A.D.R Association can best offer its members remains open. Our objectives are impeccable but we face a dilemma common to many voluntary associations, which is that of attracting people willing to work on the committee, its sub-committees or to be co-opted for short term projects. In the past twelve months there have been significant changes on the committee. VADR members are invited to offer their help and we will communicate further about this in the new year.

At the September 1999 AGM the President's address included comments on what I saw as some of the significant changes in the A.D.R field in Victoria since the Association formed in 1986. These were to contextualise our thinking about the future.

- A.D.R has attracted the attention of diverse groups of people and a wide range of organisations including several levels of government. There has been a shift away from the early community base to new specialised contexts and interest groups.
- There is an apparent drive towards professionalisation and specialisation. The moves to develop definitions of competency and standards are part of this. There is an understandable concern for excellence and for consumer protection but perhaps also a desire for monopoly in the market place.
- There is a diversity of practitioners, values, goals, processes, contexts and disputants. Mediation is now part of a continuum of developing A.D.R practices. The field is still fluid.
- New Associations have formed and others have altered their shape and vision. Co-operation is very important here.
- Among the A.D.R community and in some other contexts there is a desire to promote A.D.R, educate the public or market, to "expand the cake". We are unclear how to do this.
- Many people in Victoria have now undertaken mediation or other A.D.R training. For most it is not yet a free-standing profession. As one American wit put it "The field of mediation is like Hollywood in its ability to attract Wannabes."
- We should welcome the spread of A.D.R ideals in the community and remember, in the face of calls for professional status, that some of the impetus for early community mediation centres, was to be part of a broad social movement for progressive social, economic and political change. Now some people talk of a "more civil society". This might lead us to pause and think about the question of whose voices should have legitimacy to frame and answer questions about the work of A.D.R practitioners?

A Joint Project of...

Australia Dispute Resolution Association Inc. (ADRA)
South Australian Dispute Resolution Association (SADRA)
Victoria Association for Dispute Resolution (VADR)

In the face of all these changes it seems that VADR's role is an exciting one in interesting times.

It remains to report on other news. In the past year, one of the positive developments in Victoria has been the setting up of "Let's Talk" which is described in this issue by Vanessa Richardson whose energetic work made it happen in this state drawing on the N.S.W model.

Another positive development is the link with the website being set up by the Conflict Management Research Group at the University of South Australia. This will allow VADR to have a homepage at very moderate cost. <http://www.ausdispute.unisa.edu.au>

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The wonderful thing about a Churchill Fellowship is the opportunity it gives you to learn about what others are up to around the world in your chosen field, and to take a fresh look at your 'everyday' experience. Over 100 Fellowships are awarded in Australia each year in memory of Sir Winston Churchill.

I was delighted to be awarded a Churchill Fellowship in support of a trip to study public dispute resolution in North America and the UK last year. I was looking to learn about 'leading edge practice' in helping people resolve issues around land and resource use and other environmental issues. I also hoped to learn more about how people are being trained to do this kind of work.

I travelled from Hawaii to Boston, Quebec to Virginia, around the UK, and a host of places in between. I attended short courses and conferences and visited some very experienced practitioners, academics and organisations. I was grateful for a warm reception wherever I went and a willingness to share experiences and knowledge. I was particularly pleased also to get the chance to observe some practitioners in action.

What struck me most was how many of the same professional issues were being grappled with wherever I went. Issues such as:

- ® What is the purpose of conflict resolution work?; is it to *manage* conflict, or to *change* people or to *transform* the relationship between disputants and *underpin* evolution towards a more cooperative world?; I was inspired by the vision of Frank Dukes from the University of Virginia (who was also in Australia last year) that while it may not change the world by itself, conflict resolution work can contribute to building the capacity for a 'better society': one which fosters community and democracy; a 'civil' society where conflict is viewed as a vehicle for participation, cooperation and informed deliberation (based on Dukes' book *Public Dispute Resolution: the transformation of governance*)
- ® Should someone act as a mediator or facilitator in issues involving their own organisation?; opponents of this were concerned about the ability of

internal mediators to be truly neutral and about the potential for some agencies to view giving staff a short course in conflict management as a cheap alternative to hiring expert practitioners; nevertheless government agency staff are mediating and facilitating successfully within and for their own organisations; the test of whether this is appropriate must surely depend on the perceptions of the participants in any individual process and the conduct of the mediators/facilitators

- ® How do you specify a model and standards of practice for mediation when it can be so many different things (and quite appropriately so) depending on the context (eg court-annexed mediation compared to neighbourhood mediation or commercial/industrial or environmental or family or victim/offender etc); the most useful approach seemed to be to specify *principles* rather than prescribe the exact process (e.g. SPIDR's *Best Practices for agencies using collaborative agreement seeking processes*)
- ® Whether and how to accredit mediators and facilitators without creating a 'closed shop' and stifling innovation; many organisations were struggling with this issue and no one seemed to have the definitive solution
- ® How much and what kind of training is enough to produce competent mediators?; and can anyone be trained?; for training to be fully effective, it must be part of an ongoing program of professional development involving working with and having feedback from more experienced practitioners; not everyone is temperamentally suited to dispute resolution work - one US practitioner has observed that only one in 30 trainees they encounter has what it takes - but I believe anyone can benefit from understanding what it means to adopt a facilitative role
- ® What does confidentiality mean in a public, 'open' process involving large numbers of interest groups?; Larry Susskind, Director of the Harvard-MIT Public Disputes Program, suggested that the 'openness' of legisla-

tures is an appropriate benchmark; in other words some degree of behind the scenes caucusing is essential to achieving successful outcomes

- ® How do dedicated practitioners achieve a healthy balance between work and other aspects of life?; I met many who acknowledged that their work consumed too much of their time and energy, but there there are no simple solutions when work is a passion not a job for many mediators and facilitators.

The Fellowship gave me a fresh perspective on my own experience and on public dispute resolution work in Victoria from which I concluded:

- ® land use and environmental dispute resolution experience in Victoria measures up well against good practice internationally
- ® the Victorian Government publication *How to Get the Best out of Planning: a guide to facilitating meetings* is 'state of the art' in terms of practical advice aimed at government officers
- ® structural changes in local government and ongoing reform of the planning system in Victoria present an unprecedented opportunity to change the way planners and decision-makers operate; from interpreters of the 'rule book' to policy-makers and *facilitators* of stakeholder negotiations over land use.

Since I completed my Fellowship and wrote my report to highlight the above conclusions, I have been very pleased to be part of an initiative to help Victorian local government build on the latter opportunity. The Department of Infrastructure has funded an extensive, ongoing program of conflict management and facilitation training for all local councils which is enhancing the capacity of staff and councillors to deal with conflicts over development and other issues.

The report of my Fellowship contains a series of recommendations aimed at encouraging stronger Government support of public dispute resolution work in Australia. These are beyond the scope of this brief article. Anyone interested in more detail is welcome to a copy of the report.

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Why Isn't the Public's Demand for Mediation Growing as we Might Expect it to ?

The abiding value of the trip for me was the renewed appreciation I gained for the importance of public dispute resolution work and the potential for cross-fertilisation with the broader field of 'facilitation'. The processes and tools used in community and organisational development, for example, offer insights for dispute resolution processes and vice versa.

To quote Winston Churchill, "I am an optimist. There does not seem too much use in being anything else." I believe that those of us engaged in dispute resolution work have the chance to change the way people view conflict and the methods they use to deal with it. And these changes will surely be a fundamental part of a fairer, more cooperative, and more civil society.

Bruce is a facilitator and mediator with Offor Sharp & Associates in Melbourne. Anyone interested in getting a copy of his Fellowship report can contact him at bturner@offorsharp.com.au or 03 9662 4023.



Letter from the President

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On a wider front A.D.R.A Queensland is established. The President is Damian Negus and his phone number is 0411 861 709.

N.A.D.R.A.C has released a laudable publication [A Fair Say: Managing Differences in Mediation and Conciliation. A Guide for all Involved.](#) (Sept. 1999) and we all await with interest the paper on Standards in Mediation (later 1999).

A setback in Melbourne earlier this year was the decision by the Chief Magistrate of the Melbourne Magistrates Court to wind down the Portals Pilot Project at the court. The scheme which operated since October 1995 gave parties to a proceeding the option of electing to have their case mediated rather than attending a pre-hearing conference prior to a formal hearing in the court. We understand that the mediation option was taken up in a minority of cases but the VADR committee argued in correspondence to the Chief Magistrate that this was perhaps a result of many parties 'ignorance as to the potential value of mediation in terms of cost and satisfaction. Further promotion of mediation both to the parties and in the legal community would have been preferable to closing the option.

It remains only for me to offer all readers seasons greetings and have a wonderful new year. 🍷

EILEEN DETHRIDGE
President VADR

I have often wondered why the uptake in the use of mediation, has not been as great as many of us thought it would be in the heady days of the early 1980s. In those days the ADR movement in Australia seemed bound for success in many forums.

During the visit of Bush and Folger to Melbourne, I asked them for their thoughts on this matter. They said that the picture in the USA was similar to that in Australia, so they have given some considerable thought to this matter. In general they thought that the delivery of mediation had been overrun by people who had jumped on 'the mediation bandwagon'. In the USA, these people had been working previously as arbitrators.

Bush and Folger also said that a significant amount of research indicates that one possible reason for the small growth in the use of mediation was that in most instances we, as ADR practitioners, do not give our clients what we promise to give them.

I have worked as a mediator in Victoria for 12 years. During this time I have been a co-mediator with dozens of other trained mediators. From my experience I can say that there is no doubt that I and other mediators - to greater and less extents - do not live up to delivering what we promise.

Here is an example of the way we define mediation. This is what we say we offer when we mediate:

"Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted. (1)"

Why are we not giving our clients what we promise in our definitions? Bush and Folger say that current research indicates that the mediator's behaviour during a mediation often shifts from meeting the needs of the parties to also meeting the needs of the mediator. In so doing the

process is distorted and some control for what happens to the content is taken from the parties. But we do not tell the parties this will happen. We say we will be mediating and give them a definition in our brochures of what to expect. We say we are offering an *alternative* process of conflict management to that which they presently experience. Sadly, we usually do not deliver an alternative. Once we - as mediators - are taking some control of the content of the conflict, we are no longer offering an alternative to the processes that are in common use.

If we go back to the definitions of mediation we usually agree on the key elements that are included in the mediation definitions. In my experience co-mediating with dozens of mediators in Victoria, the majority of mediators deviate from delivering one or more of those basic elements. For instance they may

- 1) Give advice
- 2) Have a bias for one party or the other
- 3) Have a predetermined idea, (sometimes before they have met the parties) of the likely settlement terms
- 4) Plan to finish the mediation within a certain time, and
- 5) Write up the terms of settlement in their own preferred words and terms.

These examples I have given are a small sample of what is often occurring. There are many reasons why our practice as a profession is not meeting basic standards. I do not want to go into those reasons in this article, but I think we have to start asking ourselves if we are serious about offering a real alternative to the present legally based system and processes. It is not good enough to put this matter into 'the too-hard basket' and simplify it by saying we can not agree on definitions, which is an argument that has been circulating recently.

When people resolve their own disputes in every-day situations....*they alone define their needs and make choices about what solutions will be accept able. Problems get defined and redefined as parties change or prioritize needs. And parties convince each other whether a solution will be found and what it will be.....these choices remain in the hands of the parties themselves. (2)* ▶

Like us, Bush and Folger started mediating using the basic mediation model that we are taught in Australia. In recent years they have evolved a model that enables mediators to better empower the parties to a dispute. Their new model is further inclined to satisfy the commonly used definitions of mediation, and so better differentiate it from other ADR processes. In practise it means that parties follow a process that is similar to that followed naturally when people resolve their disputes, without the involvement of a third party.

Their model assists parties to move from a position of feeling weak, to a position of strength: *Empowerment is achieved when disputing parties experience a strengthened awareness of their own self-worth and their own ability to deal with whatever difficulties they face regardless of external constraints.* (3) As they move from a position of self-absorption to connection and responsiveness to others, it may be seen throughout the session as working together in decision-making, and as developing goals, options, skills and resources.

To achieve this, the Mediator must be highly attuned to everything that is said and done from the first interaction between the parties as they come into the room. Anything a party does or says is seen as presenting a possible opportunity to further empower them. The mediator does this mainly by summarising and clarifying what is said. Empowerment leads to changes in their perception and behaviour. The process continues in a spiralling motion visiting and revisiting the issues with changing perceptions evolving throughout the discussion.

Probably this model does not suit all situations, but I feel it does help to differentiate mediation practice from other forms of ADR. We need to be clearly defining mediation practice so that mediation is not confused with other forms of ADR. Other forms of ADR are more like the status quo, even though they include some of the same skills that are used in mediation.

There can be a big difference between skills and process. The difference can be found in the facilitator's motivation in relation to the purpose of their involvement in the session with the parties. Bush and Folger say that the mediation sector has been over run with arbitrators who offer what they call mediation, but in fact is far more like arbitration. Bush and

Folger say that there has been a 'jumping on the bandwagon' of mediation, which has resulted in a blurring of process differentiation. I have noted that arbitrators often use many of the same skills that are used by mediators but their motivation, purpose and resulting process actions throughout the session, are different to someone who is mediating in accordance with a mediation definition.

When we start to move away from the mediation process, the process then becomes something else. Our explanation to the parties of the different ADR processes should include an honest description of the differences, so that they can choose a process which best suits their needs and situation. This will result in better-informed clients and clients who will publicise to others the fact that they received a service that they had requested and that had best suited their needs.

In my experience, there are many professionals - including lawyers - who do not understand the differences between the different ADR processes. I feel sure that many people working in this field who call themselves mediators, have never observed a mediation process that is transformative and empowering, and so they have no basis on which to understand the premise of another true alternative to what presently exists. There is much work to be done here by the ADR profession and academia.

So, where does this leave us? I think it is going to be of paramount importance that we develop very clear definitions for the practices we use. I think the evolution of more clearly defined practises such as that presented by Bush and Folger when recently in Australia, will help us more clearly define what mediation is, and what it most definitely is not.

The development of some standards for the practice of ADR in Australia will be an essential addition to the professionalisation of the ADR services. Improvements in our delivery of ADR services through improved use, understanding and implementation will result in more client satisfaction with the service delivery and therefore a growth in the demand for a service which people feel is meeting their needs. To ensure professional compliance, as with other professions, there may need to be a regulatory body set up to monitor standard practises.

If we give satisfaction to clients, our clients will market our services for us. We can 'grow the pie' for everyone who practises rather than believing there is only one small pie to divide. We can do this by clearly defining what we do. Offering and delivering a variety of clearly-defined processes broadens our market base. If more people are requesting specific types of ADR processes that are useful for a variety of conflicts, and if they are feeling satisfied that they are getting the service that was promised, there will be more work for everyone.

In recent years Australia has been the first in the world to develop standards for a number of other professions. This indicates that professionalism is something we value.

Do we also value the opportunity to offer a true alternative to the current options of conflict-management largely available through the legal system? We need to decide if this is important to us as a society, and ask ourselves if it is something that the public will create a demand for. If it is, then we need to give it full strength and support to operate through the development of standards that clearly indicate this desire. After all, it will be awareness of our personal and collective motivation as mediators and ADR practitioners that will affect our practise goals as individuals and as a professional group in the future.

Endnotes

1. Definition appearing on the Victorian Association for Dispute Resolution. ADR Directory 1999.
2. Bush R and Folger J and Noce D and Pope S, 'Advanced Mediation Workshop Manual,' 1999.
3. Bush R and Folger J, 'The Promise of Mediation' Jossey-Bass, 1994.
4. Folger J, 'Into the Woods: Mediation in Adolescence.' National Mediation Conference, 1998.

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CONCILIATION AND MEDIATION in the Adelaide Magistrates Court (Minor Civil)

J. I. MACDONALD

SADRA MEETING 19 JULY 1999

The purpose of my talk is to consider the topic of CONCILIATION and its use in the Adelaide Magistrates Court and its interaction with mediation as part of the litigation pathway in the Civil Jurisdiction of the Magistrates Court.

The Adelaide Magistrates Court (Civil) Division and its Registry is responsible for the conduct of matters as set out in the relevant legislation. In 1998-99 the Court dealt with some 35000 lodgements.

The Civil Court has the following jurisdictional limits:

Minor Civil Claims- up to \$5000

Minor Statutory Claims (up to \$10,000; neighbourhood disputes etc. could be NIL\$)

General Claims - \$5000 - \$30,000

Personal Injury Claims MVA- up to \$60,000

The Registry of the Court accepts and processes the claims lodged by plaintiffs and undertakes Caseload Management strategies to ensure that each matters is dealt with in an efficient and timely manner.

As a Court Registrar I am subject to the Rules of the Court. The Rules are a set of procedures which are use by the Court to regulate the processes of litigation within the Court System.

One of the areas dealt with by the Rules is *Conciliation Conferences and Directions Hearings (R.89)*.

The main areas dealt by Rule 89 are:

- (1) Notices and Parties to attend [R. 89(1)(a)]
- (2) Powers to make orders under the rules [R. 89(2) & R89(4)]
- (3) Confidentiality of Conferences [R89(4)]
- (4) Areas of consideration at Conferences [R89(5) (a), (b), (c).]
- (5) Registrars to conduct [R89(6)]

The two areas I wish to turn to are *Confidentiality of Conferences* and *Areas of Consideration at Conferences*.

AREAS OF CONSIDERATION AT CONFERENCES (directions hearings/conciliation Conferences)

The court and the parties at a conciliation conference must consider:

- settlement or compromise of the action
- simplifying or limiting the issues for trial
- the avoidance of unnecessary evidence
- limiting the number of witnesses
- any other matter to facilitate the disposition
- the setting of a trial date

There are other matters that the conference may consider as part of these main areas (eg., waiver of monetary limit; orders for discovery; site inspection orders; adding third parties; filing expert reports etc).

The purpose of the conference is to define and limit the issues to be dealt with if the matter goes to trial, and to attempt to resolve the matter prior to trial. Both these functions are part of the conciliation process, as both entail the parties, with the assistance of a court officer, settling some of the aspects of the dispute. This may result in an agreed statement of facts (so that some facts are no longer in dispute, and therefore a limitation of the evidence to be brought, and of the length (and cost) of any trial), or even an agreed position on some legal issues: it may be an agreed position on an aspect of the law that otherwise have been subject to argument, or an agreement that a particular legal contention (eg. say that a person was not a party to a particular contract) not be pursued. Agreements such as these have a significant impact on the passage of an application before the court: the length and cost of the trial (to both the court system and the parties) can be reduced and controlled, and the more limited the matters are for the trial, the more likely the matter is to settle prior to the trial.

The officer conducting the conference has a considerable latitude in doing so, especially bearing in mind the purpose of the conference. He or she may make a variety of suggestions as to ways the matter may be defined and/or settled, and these may include settlement proposals and assessments of the likelihood of success of a particular contention, factual or legal, should the matter go to trial. The latter approach is not one I would ever make, even at invitation, in conducting a mediation. The role of the Conciliator in this context is much more direct and "hands on" than is consistent with the classical model of mediation, and the Court does not view this as mediation in any respect.

Mediation as practiced in the Adelaide Magistrates Court is one of facilitation in respect of interests, not directions on rights. Resolution of the dispute in itself is the prime focus, rather than case management.

CONFIDENTIALITY OF CONFERENCES

Rule 89(3): No offer or admission made at a conciliation or listing conference or directions hearing may be communicated to the judicial officer hearing the trial of the action, until final judgement is given.

This rule deals with the making of offers by either side in the action. The confidentiality of the conciliation conference is to allow discussion without prejudice. The formal lodgement of an offer to settle is recorded at the conciliation conference and placed on the court action file in a sealed envelope. Should the matter proceed to trial and be determined by a Magistrate, the suitability of the offer to settle will be taken into account when fixing legal costs under the court rules, but will not otherwise be available to the Magistrate in the determination of the dispute.

The Officer presiding at the Conciliation conference can therefore take an active role in influencing the parties by discussing the disadvantages of not settling on the day. For example:

- the number of days to hear the matter
- the allowed scale of fees for their solicitors (Third Schedule of the Rules; Scale 2: Complex Actions; Scale 3: Minor Civil Actions)

CONCILIATION AND MEDIATION - Continued from P.6

- The number of witnesses needed
- Reports and expert witness costs they incur
- The time that they will expend in preparing for trial
- narrow down the legal areas of the dispute and make direct suggestion on the respective positions of one or all parties

The presiding Court Officer has complete authority and control over the direction of the conference and the actions to be taken by all individuals involved. Whilst the parties can propose possible settlements (realistic or not) the presiding court Officer can propose terms of settlement which neither party maybe willing to express or consider as equitable. The making of such settlement suggestions may only reflect the broad legal arguments to be presented and rule on at a trial, not the outcome that will be given by a magistrate at trial.

In a mediation, the matters discussed and any offers made are at all times without prejudice and remain confidential. There is no equivalent state of affairs whereby offers are passed on to the magistrate if the matter goes to trial, and the party to whom the offer is made or information disclosed in the course of a mediation may not use that information. There are therefore no cost implications in respect of not settling at a mediation as there may be in not settling at a conciliation conference, other of course than those the parties choose to bear in taking the matter further and thereby incurring all the normal costs, money and otherwise. Costs in that sense may be, of course a significant aspect of a mediation, as the interests of the parties are influenced by how much time and energy they are prepared to risk or spend in pursuing those interests. The issue of confidentiality is always spelt out very explicitly at the beginning of all mediations, and also at Directions Hearings where the possibility of a mediated outcome is also discussed.

MEDIATION

Section 27 of the Magistrates Court Act allows the appointment of a mediator with or without the consent of the parties. As a general rule the Court will not send a matter to mediation unless all parties to the dispute have consented.

The section also provides that an appointed mediator must not disclose to another person any information obtained in the course or for the purpose of the information.

APPOINTMENT OF MEDIATOR

Appointment of a mediator can occur at any time during a court action. The main entry points are:

- Pre- Lodgement
- Minor Civil Directions Hearing
- Conciliation Conference

The appointment will be made by the Presiding Officer only with consent of all parties.

Pre- lodgement Scheme: The claimant in any action is required to give a FINAL NOTICE OF CLAIM to a respondent to advise of the pending claim which is to be filed with the court. A notice is then issued to the respondent, and as part of that notice it sets out the alternative ways in which the respondent may deal with the Notice:

- OPTIONS FOR PAYMENT
- OPTIONS FOR SETTLEMENT
- IGNORING THE NOTICE

- MEDIATION
- EXPERTS
- DEFENDING THE CLAIM

The information under the mediation section informs parties that :

- Court Mediation is free
- Can only take place where both parties agree
- Is conducted in a non-court room, friendly environment (with no lawyers in Minor Civil Matters)
- That outside mediation services can be used
- Contact information to arrange a mediation.

Directions Hearing/Conciliation Conference - As part of the conference the presiding officer will, in addition to assessing the dispute, with a view to listing the matter for trial and its associated considerations, raise the issue of mediation.

The parties are provided with written information regarding mediation:

- Pamphlet MEDIATION setting out the benefits:
 - Greater control of outcome
 - Privacy and confidentiality
 - Lower cost
 - Flexible results
 - What happens at mediation
- Information Sheet MEDIATION CONFERENCES:
 - What is Mediation
 - What will happen at the Mediation Conference

The Presiding Officer also ensures that the matter is appropriate for mediation so that the parties have a reasonable chance of negotiating the dispute.

MEDIATION CONFERENCE

The Mediation conducted by the Court is structured to allow the parties to engage with each other so that they hear the other side of the dispute, and to express their own interests in the matter, and as a result are able to better consider alternative and more appropriate means of resolving the dispute. Unlike the Conciliation Conference, the mediator is not bound by the Court Rules other than to act in an equitable manner and within the delegated power of the Court (Magistrates Court Act, Section 27(2)).

The mediation is held within the court precinct, in an available court conference room. The mediator commences the mediation by establishing an agreed set of rules by which the parties will act in the mediation. The areas covered are:

- Voluntary Process / Parties can end Mediation at any time
- Confidential/Private Nature/Without Prejudice.
- Neutrality of Mediator
- Discussions at Mediation do not become useable at trial.
- All notes to be destroyed/No report to the Court of outcome or discussions
- The use of lawyers in mediation
- Authority to settle
- Time constraints



CONCILIATION AND MEDIATION - Continued from P.6

These issues are all considered and discussed by the parties in a co-operative manner, with the assistance of the mediator. The parameters the parties set for the mediation of their dispute is not controlled by such things as Court Rules, nor by an Officer of the Court bound by the principles of case flow management.

The mediation is usually conducted using a LEADR based model

- Mediators opening
- Parties statements
- Summarise/identify issues
- Explore issues
- Private sessions
- Subsequent joint session
- Other private sessions
- Agreement

Whilst the Mediator is able to take the parties through the model, the mediator also has to assist the parties without taking control, unlike in the conciliation Conference. In mediation the mediator is not to take a view as to who is right or wrong in the legal arguments that may exist in the discussions, so he or she cannot start to express those views of the situation that are able to be appropriately expressed at a Conciliation Conference. How the mediator assists the parties is to ensure that they have identified all issues and have addressed them all in considering the alternative outcomes possible, and to use "reality checks" to ensure that each party is aware of the effects of the outcome they might agree on.

By using a combination of Conciliation and Mediation, the Court has been successful in reducing the number of matters that are heard at trial.

Of the matters listed for Minor Civil Directions Hearings, generally 2/3 are disposed of through this process. Of those matters which are dealt with at Mediation, 50% are resolved at the end of the Mediation Process, with a further 15 % settling after Mediation but before Trial commences.

In a recent Court User Survey conducted by the Chief Magistrate, there was an overwhelming endorsement and appreciation of Directions Hearings for Minor Civil matters and the introduction of Mediation, as these processes were seen as providing parties with assistance and alternatives to litigation. ■■■

Improving Access to Justice in the South Australian Magistrates Court

A "pre-lodgement system" has recently been implemented in the Magistrates Court of South Australia. It allows individuals or organisations to issue a "Final Notice of Claim" prior to issuing a formal claim. This notice can be purchased for \$10.00 over the counter at Registries or via the internet at www.claims.courts.sa.gov.au. The pre-lodgement system is available 24 hours a day 7 days a week.

The system aims to encourage parties to resolve their dispute without resorting to the formal legal system. At present issuing a formal claim costs \$55.00 for claims up to \$5000.00 and \$105.00 for claims between \$5000.00 and \$30,000.00. It is hoped that this system will provide a more cost efficient means of resolving disputes by removing the cost barrier to justice, introducing alternative dispute resolution and providing broad access.

Under the scheme, anyone who wishes to sue must first issue a Final Notice of Claim (or risk losing costs). The claimant serves the Notice themselves and the potential defendant then has 21 days in which to respond to the Notice. If they do not respond within 21 days then the claimant can issue formal proceedings through the Court.

The Final Notice of Claim provides the potential defendant with a number of alternatives:

- 1 to pay the claimant the money they seek
- 2 to negotiate a settlement with the claimant
- 3 to seek mediation, or
- 4 to ignore the Notice and run the risk that the claimant lodges a formal claim with the Court.

If both parties wish to have their dispute mediated, then they can do so through the Magistrates Court. The Court, in association with LEADR, has set up a panel of mediators who have offered their services on a pro-bono basis. Parties interested in mediation may make arrangements through the Court to have the dispute mediated at no cost. Alternatively, they may make their own arrangements to have the matter mediated. If the parties are unable to reach a satisfactory agreement, the claimant has the option of then lodging a formal claim.

Further information on the scheme can be obtained at the internet address given above or by contacting Mr Graeme Rice, Managing Registrar, Adelaide Magistrates Court (Civil Registry) or Ms Melana Virgo, Graduate Project Officer, Adelaide Magistrates Court (Civil Registry).

Franca Petrone

Franca Petrone is a director and SA Chapter Chair of LEADR and teaches Dispute Resolution and Commercial Law at Flinders University of South Australia. ■■■

Jim Macdonald

Jim is the Manager, Mediation and Minor Civil Directions Hearings, in the Civil Division of the Adelaide Magistrates Court. He joined the Court in 1996, after a number of years in the Residential Tenancies Tribunal, including as Registrar, and where he obtained a considerable amount of experience in conciliation on an informal basis. He was the inaugural mediator (and remains the only dedicated mediator) when the Courts Administration Authority decided to set up a pilot scheme in the Adelaide Magistrates Court for the mediation of Minor Civil disputes. He has been responsible for the establishment of the mediation process, which in 1998-99 dealt with about 200 matters by mediation. There are some moves to extend the programme to the other Minor Civil Registries in South Australia.

Jim also conducts Directions Hearings in relation to Minor Civil claims, and hears Investigation and Examination Summonses as a court Registrar.

Jim is LEADR trained; he is the only mediator formally employed (for that purpose) in the South Australian Court system: and he is probably now the most experienced mediator (in relation to civil disputes) in South Australia.

“Lets Talk” Professional Standards for ADR in Australia.

Lets Talk NSW and Lets Talk Victoria have recently decided to share information and ideas about the development of ADR professional Standards in Australia.

Lets Talk groups bring together representatives from a broad spectrum of ADR groups and practitioners, to discuss ADR Standards matters.

The Victorian group’s early discussions have been interesting, enthusiastic and supportive. We have discovered that there is much to talk about, especially in light of the proposed development of Professional Standards presently under consideration by the Federal Attorney Generals Department.

The National Alternative Dispute Resolution Advisory Council (NADRAC) is providing advice to the Commonwealth Attorney General on the development of high quality, economic and efficient ways of resolving disputes without the need for a judicial decision. The Lets Talk groups in NSW and Victoria will liaise with NADRAC.

The implementation of professional standards for the ADR profession in Australia offers many benefits.

If the implementation is to be of use to everyone then we need to have early discussions and assist each other to creatively develop standards that will enhance the practise of ADR for the community.

If you would like further details about this interesting exercise, contact Vanessa Richardson at A Winning Way, Conflict Management Group.

Phone: 03 9598 1443

E-mail:

awinningway@ozemail.com.au

Web:

<http://www.ausdispute.unisa.edu.au/ausdispute.cgi?DBID=214>



Interview with Margie O’Tarpey, Director, Community Justice Centres

Louise Rosemann & Rhonda Payget

Margie O’Tarpey was appointed as director of Community Justices Centres (CJCs) six months ago, after founding member and longtime director Wendy Faulkes retired. Margie brings to CJC an extensive background in and knowledge of health and human service organisations, a national and state Associations Management background, and experience in quality improvement, change management, professional facilitation and community consultation. As many of our ADRA members know, CJC is undergoing a review process. Louise Rosemann and Rhonda Payget took the opportunity of interviewing Margie to find out more ...

For those ADRA members who do not know about Community Justice Centres, could you please give us a brief history of the CJC.

CJC is a community mediation and conflict management service which provides mediation services to a number of areas of NSW. We presently have 6 centres: in Wollongong, Newcastle, Penrith, Bankstown, Campbelltown and Sydney and a Director’s office. At the moment we have about 400 mediators and a staff of 24. The model is based on the principle of community development, transferring skills and knowledge to the community on how to deal with conflict. Mediators are selected from and trained within their local communities and mediations occur in the communities where people live. There isn’t necessarily a requirement that mediators be professionally qualified (although in fact most of the mediators now are or do have some form of professional qualification). Mediators come to the program because they have a commitment to the community; and whilst it was never intended that this be full-time career, mediators are highly skilled and very dedicated.

One of the important things about CJC is that it is an independent, voluntary and impartial service. And it’s free to clients which probably makes it fairly unique. The overriding aim is to increase the safety and harmony of communities through appropriate dispute resolution and conflict management.

What type of disputes is CJC handling ?

The most common dispute that we deal with is neighbourhood disputes. They can have a range of interrelated factors which may include lifestyle issues as people are living in really close proximity, or economic issues involved in the development of properties. A lot more referrals are coming from local court and childrens court around conflict between families and children, and increasingly Apprehended Personal Violence Orders (APVO). Other disputes are what I would call conflict management disputes, where you may get cross-APVOs with 30 or 40 people in one community who are in conflict or a range of conflicts. There may be conflict within communities, between a government agency, parents, police and so on. So that the kinds of disputes that we deal with are really quite complex and varied and all of those interface with disputation and harmony issues within communities.

You were talking about conflict and harmony in the community, that kind of transformative dispute resolution. Is that something that you see CJC being able to address?

We offer a conflict management mediation service which is assisting individuals but actually assisting whole communities because that’s where people live and work and recreate.

And how do you assess that transformative aspect then which is really one step beyond reaching an agreement between the parties ?

We have about 10,000 calls a year. Clearly not all of those go to mediation so the first point of contact can be very important in providing advice and referral to assist in a potential conflict. I call that an early intervention approach to conflict resolution. The second stage may be assisting people prior to any sort of formal mediation to communicate with one another. That’s teaching people the skills of how to deal with their own problems in an early interventionist approach. Then there is our mediation program. Of the 2,500 people that go to co-mediation 85% of those reach agreement. People learn through a mediation process: to actively listen, to hear the other side of the story, to express their views in a non-aggressive manner, to be assertive without being confrontational and to take away the lessons of mediation back into their own lives and to their own communities. Also there is the work of CJC media- ▶

tors who do facilitations with communities where they will assist communities to work through and solve their own problems.

If there is a facilitation meeting or a number of meetings is there any follow up to assess the transformative aspect?

I think our evaluation is not as good as it could be. CJC has not evaluated the long term effects of their intervention and probably in some ways for good reasons. The argument has always been that you don't contact disputants because it can actually exacerbate the dispute by having ongoing contact. Having said that, CJC has just initiated a consumer survey of 1,000 clients and we should be getting the result of that in the next month or so. The whole purpose of that consumer survey is to test the quality of our service, the manner and style of mediation from a consumer perspective, and to see whether consumers are still in dispute and how they felt about our program.

Tell us about your strategic plan

We have just rewritten our strategic plan. The focus of the strategic plan is *access*, that is, how accessible it is to consumers

in NSW. Equity is a second criteria: how equitable is our service, do we actually provide services that are going to be equitable to those who most need them.

What are the key issues for access?

Having a service that is available to anyone in NSW irrespective of where they live. That is certainly not the case at the moment.

What are the practical implications of that?

Part of the practical implications of that are looking at efficiency measures within the organisation and making sure that we provide the best service with the limited resources that we have available to us. We're funded by Attorney-General's so one of the criteria is to ensure that our core business meets the strategic objectives of Attorney-General's as the department that we live in. The second aspect of that is to ensure our staffing is efficient in terms of meeting the requirements of service. So there has been a review of the director's office to ensure that our staffing meets those requirements. We have also reviewed our budget and our rental accommodation and other sorts of cost efficiencies to address that issue.

In terms of service delivery we are reviewing the access to mediation by encouraging outreach mediation out of the centres and into the local communities where people live. So the proposal in the review is to have a number of administrative units with outreach services, as well as maintain our existing centres. We are keen to establish a register of venues and guidelines for use. We have a memorandum of understanding with the local courts and local government in a number of communities. We are developing partnerships with Department of Community Services, Department of Housing and Police who I would also define as our key stakeholder agencies because the sorts of clients that they see are the sorts of clients that we see. There are resource sharing implications for that in terms of utilisation of venues as well as co-training programs. So there is a number of strategies that we're looking at to make sure that we are efficient and effective in the way we go about our business. Most organisations now need to look at partnerships; partnerships are a critical part of organisational development. I think CJC has been a bit insulated in that area but we are on the move. ▶

5th NATIONAL MEDIATION CONFERENCE "MEDIATION: PAST AND PROMISE"

A National Conference of importance to those involved in mediation.

DATE: Wednesday 17 May to Friday 19 May, 2000

VENUE: Sheraton Brisbane Hotel and Towers, Brisbane

OPENED BY: The Honorable Daryl Williams AM QC MP, Attorney-General

INTERNATIONAL KEYNOTE SPEAKER:

Ms Sharon Press, Director, Florida ADR Program and President of the Society of Professionals in Dispute Resolution (SPIDR), USA

CONFERENCE OVERVIEW:

The last quarter of this century has seen a dramatic development and application of the practice of mediation in Australia. This has occurred in such disparate arenas as family, commerce, industry, workplace, culture, and environment and planning. This conference reflects upon this period of growth to critically review the achievements and the developments of the practice of mediation. It is appropriate at the end of the millennium to look back upon the state of the art in mediation, but it is also an opportune time to look to what mediation may hold for the future, to chart its course, to assess its potential and to identify the challenges it will face.

With the conference perspective in mind, to past achievement and to future promise, presentations will cover the following topics:

- * Native Title/Indigenous models of disputing
- * Family and child
- * Commercial, industrial, construction disputes
- * Program development
- * Public issue disputes
- * Practice issues
- * Intellectual property rights
- * Environmental and planning disputes

To obtain the Main Announcement and Registration Brochure please contact:

The Conference Organisers Pty Ltd, PO Box 1127 Sandringham Victoria 3191
Telephone: 03 9521 8881 Facsimile: 03 9521 8889 Email: conforg@ozemail.com.au



Can you tell us about proposed partnerships. Is part of that an almost automatic referral to CJC in their steps for resolving disputes ?

There are a number of aspects to this. For example, lets look at local courts where we have actually developed a formal memorandum of understanding. Firstly, there is a principled recognition of the value and role that both organisations play in the provision of a legal justice service to the community. Secondly, the memorandum is recognition of what are appropriate referrals and what are not appropriate referrals. Thirdly, there is a need for training and education both by CJC and the local courts so there's an understanding of the nature and role of conflict management both in our organisations and in the community more generally. And fourthly, there is a need for proper evaluation and monitoring of our clients. So it's an exciting new development and we will use this as a model for all our other partnerships. In terms of some of our other partnerships, we're already in the Good Neighbourhood Policy with Department of Housing. That is about the Department of Housing recognising that a major part of their client group, particularly in terms of public housing, have disputes where CJC has a critical role to play. We are looking at those sort of relationships with police and DOCS who are critical referrers, and local government which is another major referrer. If we covered all of those within the next five years I think we would be an extremely good service.

What is your view on compulsory referral to mediation or to a dispute resolution service ?

I know CJC's philosophy is that you don't compulsorily refer because it mitigates against successful mediation and I'm very sympathetic to that view. Having said that if you look at our referrals from Magistrates and Chamber Magistrates in local courts, where there is a "soft compliance" from the courts for parties to mediate, there is often a successful mediation. I don't think however they should be compulsory; there always has to be a choice and people have to have a choice whether they go or not, and mediation should never replace peoples right to legal representation and access to the courts.

Do you think the sense of voluntariness is compromised by having local court venues for mediations?

No I don't think so. I think people should have a choice to mediate where they feel most comfortable. There are going to be some people, for example Aboriginal or multicultural communities who may have a history of conflict with police, where local courts are not going to be appropriate. CJC's already recognise that as an issue in their intake procedure. Consumers always have a choice where they want to mediate, there is no compulsoriness about mediating in a local court or not. On the other side, I think it needs to be stressed that a lot of people utilise the local court as their first recourse to justice and don't have any problem with that. I think it is really im-

portant that we provide mediations in the courts to assist the consumers where they are in fact actually dealing with their disputes.

I think you said in your review that CJC have been around for a long time but are not well known or understood. Why do you think that is ?

I don't really know why it's not as well known as it could be, it's possibly that it has been very locally focussed - that is not a criticism, it's a statement of fact. CJC's were developed in the 70s in the traditional community development model where you have a neighbourhood centre and your local community come to you, know about you and utilise your service. I think the other real issue is a lack of resources to be able to appropriately market and I think in some ways a lack of appreciation that marketing is now one of the critical indicators of a successful organisation. State-wide partnerships, increase knowledge of the organisation and the utility of the organisation. And marketing through publications and promotional material which we are working on at the moment. And having a high media profile. Certainly in the 6 months I have been doing a lot of media interviews. We need to develop media kits and train up people to do a lot more media work. Mediators are the most important resource that we have so we need to get them to utilise their own networks go out and give community talks in order to better market the program. Having said all that we don't need extra work, we have more work than we know what to do with!



Australian Family Mediation Association

R o s s H o u s e 2 4 7 F l i n d e r s L a n e M e l b o u r n e V i c 3 0 0 0

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

The question one step back from that is whether mediation is well known or well understood in the community ?

I think it is actually. Our name is Community Justice Centre. I have to say I'm not comfortable with the name Community Justice Centre and I want to change it. We often get complaints from people saying we didn't get justice but of course often the justice may be around the legal system or the court system or around some other more profound issue. So I think we need to be talking about community mediation, community dispute resolution or community dispute settlement. We need a term that most people in the community are going to understand. This is I might add a personal view.

What are the other key elements to the directions you see CJC taking over the next 12 to 24 months.

Our strategic plan has 5 key outcomes. The first key outcome is to develop a State-wide regional model of service delivery. The issues are about increasing access through utilisation of community venues, extending the role of mediation within centres and outside the centres and reviewing the role of staff to ensure that they meet organisational objectives. The second key outcome for CJC is to develop partnerships which I have discussed. The third key outcome is marketing and profiling the organisation so we provide greater access and equity. The fourth area is developing a quality organisation. I would like to do an external review of Community Justice Centres as an organisation through Australian Quality Council or a related accrediting body so that we can be externally accredited as a quality organisation. What I am looking at is ensuring that our organisation has effective leadership and management, that it has good staff practices, that it effectively liaises with the community, that it has best practice consumer involvement principles and so on. The fifth key outcome is to ensure that we have the best mediation program in NSW. The program review will be looking at training, how we train mediators, the quality of our training, the need for accreditation, making sure our training program is comparable to and better than any other training program in NSW, having a proper education program and looking at our co-mediation model and the extent to which mediators can actually engage in a broader mediation practice from conciliation and mediation to facilitation.

I wanted to talk a bit about your mediators, who are obviously key to your organisations. You said previously that your mediators are chosen from the

community not really looking at formal qualifications although many people did have formal qualifications now . How do you think CJC can preserve that community background with the increasing professionalisation of mediation ?

In theory they shouldn't necessarily be mutually exclusive. We have an enormous interest in our training program. In response to our Sydney training program we had 1,000 inquiries and we'll end up having 20 mediators. That indicates how rigorous our training program is and how selective we are. That is often a benchmark of quality as well. We have a very effective screening program in our training program so that we actually assess people on their training as mediators not on whether they have three degrees. I think that in itself is an assessment of good quality. We have a peer mediation and mentoring program which I believe is unique to CJC. That provides a capacity for people to be evaluated as to mediation quality and performance. Again I think this is an important quality check. And they are accredited periodically by the Attorney-General. So I think there are many checks and balances in our program to ensure quality and I have no problem with the quality of the mediators at all.

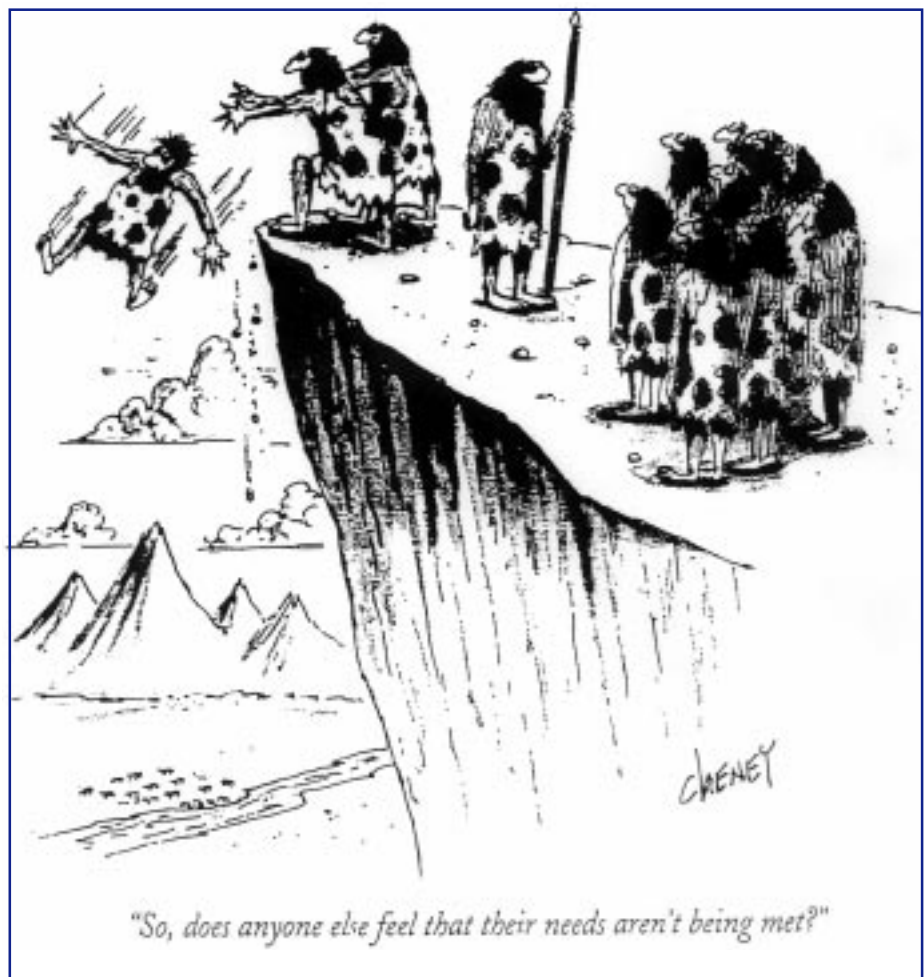
Having said that I think the training program does need to be streamlined and I think there does need to be a recognition of prior learning experience, and more rigorous accreditation reviews.

Accreditation is still in its early stages, isn't it ?

I support accreditation. I'm comfortable with the paper that NADRAC has put out and the work that ADRA is doing in this area. Having been the national director of a standards quality improvement program for three years I'm very comfortable with quality improvement standards, particularly in terms of professional competencies. I don't really have any problem with that. I think the only issue is how you define your standards and the criteria used for doing that and I don't accept that a professional qualification is the only standard because the reality is that you could have exemplary qualifications and be a lousy mediator! That's the bottom line. And I don't say that to be critical of professionals, I've got three degrees myself, that alone doesn't make me a good mediator.

Could you tell us a little more about yourself ?

I live in Rozelle and I have a dog named Rover!



Contribute to the ADRA 'Library'

Since it was established in 1987, ADRA has been building a collection of books, papers and other resources dealing with ADR in Australia and related topics.

You will have read elsewhere in this newsletter that ADRA now has a Sydney office. One of the new services that ADRA hopes to provide to members is access to that collection.

We are keen to expand our collection of publications and to include a greater variety of publications and resources. Members are encouraged to donate suitable items. A record of donations will be maintained.

Please look through your bookshelves and filing cabinets for duplicate copies of papers you have no need of, texts you no longer need, videos, tapes and any other ADR resource which may be of interest to other members or students undertaking research.

To those members who are published writers, ADRA would be pleased to include a review of your work in *Mediation News* in return for a donation of your publication to ADRA's collection.

Please send your donations to ADRA at :

PO Box A2468
Sydney South
NSW 1235

If you have a large package of materials to donate, please telephone Louise Rosemann on 0409 990 458, to arrange collection.

ADRA Thanks You for Your Help!

APPLICATION FOR RENEWAL OF VADR MEMBERSHIP 1999/2000

Members name:

Address:

(only complete if changed)

.....

.....

.....

Phone (if changed):

Facs:

Subscription enclosed: \$30.00

Receipt required:

Cheques are payable to : Victorian Association for Dispute Resolution.

Post to: GPO Box 127A, Melbourne, 3001.

We wrote to you earlier this year about

The Australian Dispute Resolution Directory and Website—1999 Edition

which is produced by the Conflict Management Research Group of the University of South Australia.

We are pleased to advise that the Website is now open for business!!!



<http://www.ausdispute.unisa.edu.au>

We invite you to visit the site at <http://www.ausdispute.unisa.edu.au> and are confident you will recognise the opportunities the site offers to practitioners, organisations and the public.

A vital role the site can play is to assist in the exchange of information and views.

- Already there have been approximately 500 visits to the site and 190 practitioners or organisations have registered in the Directory.
- Unifam NSW has advertised for a Family Mediator/Coordinator (Full Time) and two requests for assistance have been received from organisations seeking assistance in developing a panel of mediators.
- The non-profit organisations SADRA, VADRA, ADRA and the Alternative Dispute Resolution Association of Queensland (ADRAQ) have accepted the offer of their own page on the website and we are awaiting responses from organisations in the other States/Territories.
- We have offered the site for the 2000 National Mediation Conference to seek the views of practitioners around Australia about the future directions and needs for dispute resolution in Australia.

The new Website will be the prime site for information and debate in Australia and can be utilised by dispute resolution associations and organisations in a variety of ways.

The Website provides a comprehensive range of information and opportunities such as:

- a Directory of dispute resolution associations, organisations and individual service providers in Australia;
- dispute resolution employment opportunities;
- education and training opportunities;
- important diary dates including national and international conference information;
- relevant articles, newsletters, conference papers;
- discussion pages for academics, students and practitioners to debate current issues eg accreditation, changes to legislation etc;
- new developments in the field at a national and international level;
- network opportunities for special interest groups;
- important links between dispute resolution associations and organisations within Australia and with overseas counterparts; and
- links to other relevant websites.

Many practitioners and organisations have taken the opportunity to register in the Directory on the website. Search the entries and see for yourself the value your colleagues get for their small registration fee. Importantly, this fee also includes entry in a hardcopy version of the Directory that is also likely to be complemented by a CD-ROM version.

This is a non-profit community service and fees received (from \$50 to \$150 per registration) will be used for development and maintenance costs in providing the web service and production of the hardcopy Directory.

We invite you to visit and identify the opportunities the site could offer you or your association or organisation. We welcome your comments and suggestions directly onto the site or to **David Baker, Website Administrator** Phone/fax: 83024346 (Wed & Thurs); Mob: 0418 891 807 anytime or email: david.baker@unisa.edu.au. You can also contact the **Co-ordinator of the Research Group, Dale Bagshaw** on 88302 4375/8; Fax: 88302 4377; email: dale.bagshaw@unisa.edu.au



NEW SOUTH WALES

LEADR, National Dispute Centre
Level 4, 233 Macquarie Street, Sydney,
NSW 2000
(02) 9233 2255
Fax: (02) 9232 3024

Mediation Workshops, 4 day course,
teaches mediation skills and philosophy.

*Issues and Techniques in Family Mediation
and Interpersonal Disputes.*

Mediate Today

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

Relationships Australia

5 Sera Street, Lane Cove, NSW 2066,
Tel: (02) 9418 8800
Fax: (02) 9418 8726
Contact: Louise Rosemann
Tel: (02) 9327 1222

96 hour course in Mediation

(VTAB Accredited): A comprehensive
accredited training program providing
experiential training in a variety of
mediation contexts.
16 weeks commencing 4 August 1999
(Wednesday 12.00 - 6.00pm each week)
at Edgecliffe, Sydney

6 day Mediation Training: An

Introductory Mediation Skills Course at
Edgecliffe, Sydney: 19,20,21,26,27 and
28 July 1999
(9.00am - 5.00pm)
Newcastle: 2,3,6,7,9,10 September 1999
(9.00am - 5.00pm)

Family Mediation Practice:

A one day workshop for trained
mediators.
Edgecliffe, Sydney: 14 August 1999
(9.00am - 5.00pm)

The Accord Group

Level 2, 370 Pitt Street, Sydney
Tel: (02) 9264 9506
Fax: (02) 9264 8268

Commercial Mediation Training, 4 day
course. Also runs in-house courses in
conflict resolution and negotiation skills.

Australian Commercial Disputes Centre

Level 6, 50 Park Street, Sydney,
Contact: Margaret Mclelland
Tel:(02) 9267 1000
Fax: (02) 9267 3125

Commercial Mediation Course,
3 day course (\$1395) and optional
evaluation day (\$395).

Workplace Grievance Mediation Course,
3 day course (\$1200) and optional
evaluation day (\$395).

*Local Government Planning and
Development Mediation Course*,
3 day course (\$1125) and optional
evaluation day (\$395).

Complaint Management Course,
1 day course (\$295).

Conflict Resolution Network

PO Box 671, Dee Why NSW 2099
Contact, Christine James/Jo Buckley/
Colin Isaac
Tel: (02) 9972 3955
Fax: (02) 9972 9620
Email: cmme@bigpond.com

VICTORIA

Barwon Parent and Youth Mediation Service

Geelong Victoria, contact Chris Halls
Tel: (03) 5223 2966
Fax: (03) 5229 0102

Professional Mediation Training, 3 day
course — Mediation available for parent/
adolescent at no cost. Peer Mediation
available to schools

Council of Adult Education

Community Programmes Department
256 Flinders Street, Melbourne, Vic
3000,
Contact: Margaret Jones/
Muriel Sutton
Tel: (03) 9562 0629 or (03) 9562 0799

Mediation an Introduction, 12 hour
course for people in management and
human resources fields.

Dealing with Conflict, 5 weeknight
course to improve skills and confidence in
conflict management.

*Dealing with Anger and
Communicating Across Cultures in
Workplace*

Family Mediation Centre

Level 4, 1001 Nepean Highway, PO Box
2131, Moorabbin, Vic, 2131
Contact: Marie Garric
Tel: (03) 9555 9300
Fax:(03) 9555 1765

Email: family@mediation.com.au - http://
www.mediation.com.au

Family Mediation Training Courses

Level 1: 20, 21 and 22 May 1999
Level 2: 22, 23 and 24 June 1999
Cost, \$500 for each level with 10%
discount if a deposit is received 10 days
prior to commencement.

*Effective Grievance Management
Training*, 3 day course (\$500)

International Conflict Resolution Centre University of Melbourne,

Carlton Campus
Contact: Margaret Clark
Tel: (03) 9344 7035 Fax: (03) 9347 6618

Mediation in Education, a 30 hour
course for primary, secondary school
teachers and counsellors, July 5-8 1999
contact Pat Marshall (03) 59685414

Mediation short course, a 40 hour, 13
week course. Practical and theoretical
training for professionals.

Contact Pat Marshall
Tel: (03) 59685414

*Managing Conflict in Planning
Dispute Resolution and Facilitation Skills
for Planners.*

Contact Robin Saunders:
Tel: (03) 9853 7510

La Trobe University School of Law and Legal Studies,

Bundoora, Vic, 3083
Contact: Tom Fisher
Tel: (03) 9479 2423
Fax: (03) 9479 1607
Email: T. Fisher@latrobe.edu.au

Family Law for Mediators - subject is part
of Graduate Diploma in Family Law

Relationships Australia

46 Princes St, Kew
Contact: Ena Shaw
Tel: (03) 9484 9775

Introductory Mediation Course, 2 day
course includes the effects of separation
on children

Intermediate Mediation Course, 3 day
course includes cultural issues and intake
procedures

QUEENSLAND

Alternative Dispute Resolution
Branch, Department of Justice, QLD
GPO Box 149, Brisbane, QLD, 4001
Tel: (07) 3239 6277
Fax:(07) 3239 6284

Mediation Skills Course, 5 day course,
introductory course for people wishing
to gain a basic understanding of
mediation process and essential skills

Relationships Australia, QLD
PO Box 595, Spring Hill, QLD, 4004
Contact: Mike Brandon
Tel: (07) 3831 2005
Fax: (07) 3839 4194

Advanced Family Mediation, 28 hour
course

SOUTH AUSTRALIA

University of South Australia-
Conflict Management Research Group
St. Bernards Road, Magill, 5072
Contact: Dale Bagshaw
Tel: (08) 8302 4375
Fax:(08) 83024377
Email: dale.bagshaw@unisa.edu.au

Training workshops and consultancies for
organisations, tailored to need, 2 hours
to 5 days.

TASMANIA

Community Mediation Service
Tasmania
11 Liverpool Street, Hobart, Tas 7000
Contact: Lyn Newitt
Tel: (03) 6231 1301
Fax: (03) 6231 1969
Email: cmst@southcom.com.au

NEW SOUTH WALES

Southern Cross University
Bachelor of Social Science with Counselling and Mediation Studies Major
Bachelor of Legal Studies

University of Western Sydney
Graduate Certificate in Commercial Dispute Resolution

University Of Technology
Faculty of Law, Post Graduate Studies
Graduate Certificate in Dispute Resolution
Master of Dispute Resolution

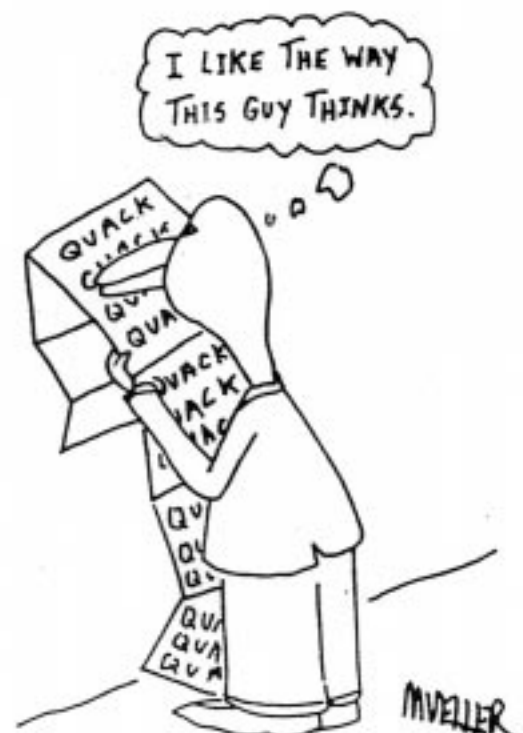
Macquarie University
Graduate School of Management
Post Graduate Diploma in Conflict Management
Macquarie University School of Law also offers various courses

SOUTH AUSTRALIA

University of South Australia
Division of Education, Arts and Social Sciences
Graduate Certificate in Mediation (Family)
Graduate Diploma in Conflict Management
Master of Conflict Management

VICTORIA

La Trobe University
School of Law and Legal Studies
Graduate Diploma in Family Law M
Graduate Diploma in Conflict Resol
Graduate Certificate in Conflict Res



SADRA Committee

Chairperson

Dale Bagshaw (08) 8302 4375
fax: (08) 8302 4377
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Treasurer

John Steele (08) 8340 1982
fax: (08) 8346 9477

Mediation News

John Connell (08) 8223 4566
fax: (08) 8232 2898

Committee

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Deadline for Articles for Next Issue of Mediation News

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Please send articles, letters, news items, book reviews (preferably on Disk) to:

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