

“A Peak Body Project” Sub-Committee Report

Our “A Peak Body Project” was announced at our last AGM on 24 October, 1997. It was consistent with the Board’s strategic direction that year of “initiating dialogue about the professionalisation of mediation and dispute resolution practice.”¹

It came about in the following way. After ADRA’s 10th Anniversary Conference in May, 1997, at which the hypothetical “Do mediators need a body to represent their interests?” was held, the Board established a Sub-Committee to promote further discussion on this question within the dispute resolution community.

The intention of the Sub-Committee was to encourage a wide ranging dialogue through a consultative process designed to engage the interest of many individuals and organisations involved in dispute resolution across Australia.

In view of the diversity of opinion expressed during the conference hypothetical, the Committee recognised that the idea of a peak body had to be approached with sensitivity, and that we had to facilitate a discussion of the issue rather than try and direct a particular outcome or range of possible outcomes.

In all, three facilitation meetings were held between November, 1997 and March, 1998. The first meeting on 15 November, 1997 was in the nature of a scoping meeting at which we consulted members for their ideas as to how we might undertake an inclusive, broad-ranging facilitation. Nearly one dozen ADRA members and several Board members met on a Saturday morning and brainstormed for over three hours. Participants were unanimous that the project had to emphasise process above content if a wide range of potential stakeholders were to participate. In the same month we wrote to the Law Foundation of NSW seeking funding for our project so that we could employ a part-time co-ordinator and convene up to three meetings in regional areas. Unfortunately, the Foundation’s Director

¹ President’s Report, ADRA Annual Report 1997, p4

declined our request on the basis that any exploratory or feasibility studies for a peak body should be funded by the various dispute resolution bodies.

Having invited individual ADRA members to the first meeting, the Sub-Committee recommended that the second Sydney facilitation meeting be aimed at approximately 15 organisations providing dispute resolution services, to gauge their interest in a peak body. This was a lively two and a half hour late afternoon meeting attended by about 10 representatives of organisations (most of them members) and several Board members, in the mediation room of the Land and Environment Court (courtesy of our Past President, David Rollinson, as a Registrar of the Court).

At the risk of over-simplifying the discussion at the second facilitation meeting, two divergent view points were expressed, the first being that it was worthy to pursue a dialogue about the need for professionalisation and the desirability of a peak body, and the second being that the practise of dispute resolution is now so diverse that there is no concensus about the need for a peak body. It was then suggested that participants at this second meeting could continue to meet in future to discuss specific issues, that is, matters of common interest and concern, on an informal basis. The suggestion was quickly supported and there began the evolution of the "Let's Talk" network, a separate report on which follows.

All members were invited in late February to attend our third facilitation meeting on 16 March at the Masonic Centre. The attendance at this meeting was below expectation, probably because it was a Monday evening. However, the dedicated dozen that attended came up with some interesting analyses, particularly the identification of obstacles to the formation of a peak body and the different forms which a peak body could take.

Three weeks later, a paper by the ADRA President was one of many published for the concurrent session "Standards, Accreditation and a National Peak Body" at the 4th National Mediation Conference, 4-8 April, 1998 Melbourne. Other papers were contributed by the Australian Dispute Centre, The Institute of Arbitrator's and

Mediators, IINCM, LEADR, NADRAC and VADR. These short papers provide a snapshot, albeit selective, of current perspectives on the issue of a peak body.

In the writer's view the stark differences between many of the latter papers epitomises the pluralistic nature of the Australian dispute resolution community today, and the time and resources that must yet be invested if a well supported and truly representative peak body is to emerge within the next five years. Proponents of a peak body in the future will have to expressly recognise the wish of many organisations to maintain their independent traditions, in addition to identifying the common needs between organisations and the benefits of national association.

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