

LINKING ADR PRACTITIONERS PRESIDENT'S WELCOME

Mediation, arbitration, conciliation and adjudication are words often used in the media when describing actions being used to resolve disputes. The newsworthy disputes are more likely to be industrial or international disputes, than commercial family or interpersonal disputes. Terms are often used interchangeably, with little thought given to the role of the third party neutral involved.

There has been little research in Australia on the levels of disputing, the methods of resolution (in terms of the role of the third party) or the cost to the community of unresolved, or unproductively resolved disputes.

The contemporary discussion on the merits of ADR began in Australia in 1979, with the NSW proposal to use mediation for the resolution of minor civil and criminal disputes. Although the Community Justice Centres demonstrated their effectiveness and low cost, other States have been slow to establish similar programmes.

Interest in ADR for the resolution of commercial disputes, and for family disputes has been demonstrated by the establishment of the Australian Commercial Disputes Centre, and the Family Conciliation Centres. More recently, courses offered in family mediation, and general conflict resolution have had an enthusiastic response.

People involved in the Peace Movement, and Peace Studies began to recognise that peace at a local or individual level was one way of promoting a peaceful world. Academics, and students of law, criminology, sociology and behavioural sciences have maintained and further developed their interest in ADR, and its implications for social change and individual growth.

The last two years have seen an increasing recognition by people operating as third party neutrals that they could be part of the field broadly described as alternative dispute resolution. These included Human Rights and Consumer Affairs Conciliators, EEO grievance personnel, and members of trade or professional tribunals.

Some police (e.g. aboriginal liaison unit), counsellors and court officials have also recognised the value of ADR methods in their work.

The Alternative Dispute Resolution Association of Australia is the first attempt to link these diverse practitioners. It will provide an opportunity to exchange views and ideas. We can learn

from one another and share our information and skills. The Association will be able to promote effective use of ADR processes and, ultimately, promote standards of practice, teaching and research.

The modern development of ADR may appear slow and reluctant, but those of us responding to requests for assistance or advice are convinced that ADR is poised for expansion, development and wide acceptance. We have an opportunity to demonstrate that the Australian community is ready and able to tackle its disputes with a spirit of common sense and co-operation.

WENDY FAULKES
PRESIDENT

Introducing ADRAA Committee

Wendy Faulkes (President)

Director of Community Justice Centres of NSW. Prior involvement in local government in Tasmania. Foundation Director of one of the first ADR pilot programmes in Australia. As a Churchill Fellow in 1982, reviewed overseas developments in ADR and produced the first published reports in Australia on Community Mediation. Wendy more than any other person, has been responsible for the growth of mediation in Australia.

David Newton (Vice-President)

Secretary General, Australian Commercial Disputes Centre. Lawyer and conciliator. Has worked as an in-house lawyer for a large commercial company and head lawyer for a national industry association. David has pioneered ADR for commercial disputes in Australia. Member of N.S.W. Law Society ADR Committee.

Linda Fisher (Secretary)

Sydney Technical College teacher of communications. Community Justice Centre mediator since 1980. TAFE trainer of mediators in NSW since 1982. Presently working to establish mediation for EEO complaints at S.R.A.

Basil Evangelidinis (Treasurer)

Background experience in Economic and Business Management working for industrial companies. Involved in community justice mediation since 1985.

Jenny David (Committee Member and Editor of Newsletter)

Lecturer, University of Sydney, in Criminal Law, Criminology and Dispute Resolution. Formerly worked as a litigation solicitor. Researched dispute resolution since 1984. Pioneering the teaching of ADR to law undergraduates and graduates. Member, NSW Law Society ADR Committee.

Ruth Charlton (Committee Member)

Background experience as a litigation solicitor. One of NSW's most experienced mediators, she has mediated in over 120 disputes for the Community Justice Centre since accreditation in 1983.

Micheline Dewdney (Committee Member)

Senior Lecturer in Law and Welfare, Criminal Justice and Social Administration at Macarthur CAE. Background experience in correctional administration. Sabbatical leave spent on reviewing ADR programs in Australia, the U.S.A. and the U.K. in 1986-7.

Gerald Raftesath (Committee Member)

Senior partner in Malleson, Stephen, Jacques. Active involvement in developing ADR in commercial law. Assisted in the production of a video on ADR for the College of Law.

Janice Williams (Committee Member)

Lawyer. Formerly taught in secondary schools and to children in State care. Worked as an interviewer for the Australian Bureau of Statistics. Community Justice Centre mediator since 1980.