

ADRA President's talk, 2016.

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On behalf of ADRA as its current president I welcome everyone here today to celebrate ADRA's 30th year of operation.

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Before progressing with my talk, I particularly want to thank Dr. Anne Ardagh for the enormous amount of work that she and husband Dr David Ardagh have accomplished. David and Anne have sorted through 16 A4 boxes of original documents that have lived in various member's garages and attics over the last 30 years, ending in my garage. Anne, David and I initially sieved through the 16 boxes until we had about 8-9 left. Anne and David then went through the remaining 8 -9 boxes until there were 4 left. That exercise took about 8-9 months of continuous sorting where Anne painstakingly went through every document to the point where she knew whether a document was a duplicate just by sighting it. She then selected two boxes of documents for scanning and kept two other boxes of documents from which she continued to construct her talk for you today.

The two boxes for scanning have finally been scanned by a student from Macquarie University, Nira Bhattacharjee who is now completing her Master's degree in Human Rights in Germany. ADRA extends a very warm thank you to Nira, to Anne and to David whose efforts with sorting and scanning all the documents have contributed to ADRA's history in a permanent way by making those documents available on the ADRA website. Simon Olsen, our web designer will, later showcase those documents on the website for you.

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I also wish to thank International Conferences and Events (ICE), for very kindly marketing our event for free. In particular, I wish to personally thank Raquel Robson, director of ICE for organising the marketing of a very successful campaign which has resulted in all of you being here today. As a voluntary organisation ADRA does not have someone employed to monitor the sending of emails and apologises to those of you who found the campaign a little too intensive. Nonetheless we are indeed very grateful for the very generous support given to us by ICE who were the organisers of the National Mediation conference in Melbourne in 2014 with over 600 participants; and who are also the organisers of the National Mediation Conference in the Gold Coast, in September later this year – an event ADRA hopes you will all attend.

This brings us also to thank the family of Sir Laurence Street, and in particular, his wife, Penny, for her assistance to make Sir Laurence available for the conference and the dinner tonight. As you all know, attendance at the conference and the dinner depends on Sir Laurence's health and unfortunately we have been informed that Sir Laurence is unable to attend either any part of the conference today or the dinner tonight. Nonetheless we have been assured that although he will not be physically present, he most certainly is with us today at the

conference and at the dinner in spirit. We also have apologies from Sandy, Jessie and Sylvia Street, Sir Laurence's son, and daughters, who were unable to speak on behalf of Sir Laurence tonight. In their stead, we thank Ian Davidson, SC for agreeing to talk on behalf of Sir Laurence.

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A special thanks also goes to Allan Parker our MC for the day, and to Paula Castile, Mark Brady and Margaret McCue who have all sponsored our Jazz Band for this afternoon's performance to which you are all invited. I hope you will all enjoy the Jazz band which will be in the Restaurant on Level 4 where cocktails will be served at the end of the conference today. The cocktails and the Jazz band are ADRA's gift to all of you for your attendance today so please follow our secretary Wendy Buchanan and our assistant Secretary, Emily Kwok, who will lead you to the lifts to go to Level 4 at the end of the conference at about 4:45pm.

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I also wish to acknowledge InterMEDIATE Dispute Management for their gift at the dinner this evening that offers a one hour consultation for Conflict Management Coaching by InterMEDIATE . For those attending the dinner, you will find a number on your seat which will be drawn later in the evening to find the winner of the prize.

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Last but certainly not least with the acknowledgements, I wish to thank the Australian Museum, and in particular Ingrid Potts as well as Creative Caterers ie Natalie for their support and for their very generous assistance today to make this conference a success for you. I certainly enjoyed the welcome refreshments this morning and look forward to a wonderful array of food awaiting you for the rest of the day ending with roast duck or barramundi for mains this evening.

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Going back now to the purpose for being here today I note that in ADRA's 30th year of operation we also honour Sir Laurence's involvement in Dispute Resolution. I will leave it to Mary Walker, later this morning, to discuss the significance of Sir Laurence's work to the Dispute Resolution Industry in Australia; but suffice it to say for now that we look forward to celebrate Sir Laurence's involvement with ADRA. Not only was Sir Laurence a key player in the formation of ADRA as was David Newton, Wendy Foulkes, Jennifer David, Linda Fisher, Ruth Charlton and all the executive members of that very first board, as you have heard from Anne this morning; but my recollection of Sir Laurence from my very first involvement with ADRA in about 1999 was that he was always present at the ADRA AGM's or gave his apologies on the very rare occasions that he did not attend.

I must admit that at that time, not knowing much about the Dispute Resolution Industry, it was because of Sir Laurence's presence at ADRA's AGMs that I believed that ADRA must be a very special organisation. I was not wrong; and one of ADRA's strengths has always been its ability to recognise those who have contributed freely of their time and efforts to make ADRA the organisation that it is; and that it has been for the last 30 years. We therefore celebrate

today all those people who have made ADRA, including you, the members of ADRA without whom there would be no ADRA. In particular ADRA also wishes to thank those of you who have travelled interstate to attend today's celebrations. We note that we have visitors from the ACT, South Australia, Victoria and Queensland and hope that those visitors find today's celebrations worth the effort of attending.

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As a very inclusive organisation it has always been ADRA's policy to allow its members to attend our executive meetings where they are warmly welcomed to participate in the work that ADRA does for its members. From the time of its inception until now, ADRA has always been blessed with an executive Board that has freely given its time, its energy and commitment to its members. The fact that some members on the current board like Paula Castile have served for an almost continuous period of about 15 years is a testament to the energy the Board generates in serving its members.

It is fair to say that each member on the current Board has contributed and continues to contribute in their own unique way that makes for very lively discussions where differences of opinions are constructively held in high regard whether we agree with those opinions or not. ADRA is in fact a safe place where differences of opinion can be freely discussed.

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That says it all about ADRA's inclusivity which is best summarised by the comment received from Margaret Halsmith, the current Chair of Resolution Institute who apologises for not being able to attend today. Margaret sent a message to ADRA saying:

**Best wishes for your anniversary celebration from me personally and on behalf of the Board of Resolution Institute.
My view of ADRA is that it epitomises the principles of Dispute Resolution, namely that ADRA is inclusive, relationship oriented, respectful of people, optimistic regarding problems and adaptive to change. As such ADRA sets an excellent example to other membership organisations, in particular because it does so with its 'feet on the ground'.**

ADRA very warmly thanks Margaret and the Resolution Institute for their very good wishes today.

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Finally, I particularly want to acknowledge the time and effort taken by our guest speakers today to prepare their talks. On behalf of ADRA I extend a heartfelt thanks to our guest speakers and trust that you will enjoy their talks. ADRA also warmly thanks the Law Society who provides its rooms to us for free every month.

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This brings us to the main topic for my talk today. So far you have heard about ADRA's past through Anne's talk this morning which brings us now to discuss ADRA today and into the

future. In considering ADRA today, we include the development of the Dispute Resolution Industry Forum.

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I could spend much time discussing the enormous amount of energy it has taken since my presidency began in June 2013 to re-focus ADRA's attentions on its purpose for existence. The need to re- focus followed the very successful National Mediation conference which was held in Sydney in 2012 and was almost exclusively an ADRA activity. Successfully bidding for and later organising the NMC consumed ADRA's attention from about 2008 till the end of 2012.

During the first time of my presidency in 2006 and 2007, ADRA developed the Conflict Resolution Complaint's Handling Template, an activity that took 18 months to completion. The template arose in response to ADRA's inquiry about whether to become a Registered Mediation Accreditation Body (RMAB). This inquiry resulted in ADRA hosting the development of the 'Complaints Handling' template which was finally adopted by the National Mediation Advisory Council (NMAC) in September 2008 as being suitable as an industry standard template for Complaints Handling. ADRA has since adopted the template as part of our own complaints handling mechanism from that time when it became a Registered Mediation Accreditation Body.

It was just after the first bout of my presidency in 2006 and 2007 when ADRA celebrated its 20th anniversary that we decided to place a bid for the National Mediation conference to be held in Sydney in 2010. On that occasion we lost out to Adelaide; but the exercise made us rethink our image; and the current logo we have for ADRA is courtesy of Paula Castile during whose presidency we updated our logo in 2008. From 2009 -2011 under the presidencies of Janice McLeay and Emma Matthews, ADRA learnt a great deal from the Adelaide bid about the content and quality of submissions required for a successful bid; and in 2010, ADRA won the bid for the National Mediation Conference to be held in Sydney in 2012.

The success of the bid for the NMC set the agenda for ADRA for the next two years between 2010 -2012. ADRA's efforts to ensure a very successful NMC resulted in certain administrative tasks being overlooked during that time. This meant that by June 2013, at the start of my second time as president, those administrative tasks needed urgent attention. As President I had to contact ASIC to ensure that our requirements administratively and financially were updated. In the process I agreed to become the Public Officer for ADRA so that we could move forward with our financial obligations. Following the requirements of ASIC and the need for consistency for successful completion of our administrative tasks, we held an Extraordinary General Meeting before the end of 2013 in order extend the term of the presidency from one year to two years. Doing so enabled any president to have two terms. This meant that a President was able to run for 4 consecutive years if need be; but had the option to leave any time after the first two years, provided another was prepared to replace the President at the time

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Given the restrictions felt by each member of the current board to regain a balance between home, work and health commitments, finding time for the amount of voluntary work required by ADRA became difficult; hence the need for a longer presidency. I am now in my third year as President and am prepared to complete my fourth year, happy in the knowledge that ADRA has comfortably fulfilled all its obligations financially and administratively; and happy also in the knowledge that ADRA now has a very interactive, user-friendly professional presence on the website, courtesy of our amazing web designer and guru of the internet, Simon Olsen. As you have all noticed, ADRA has joined the 21 Century communication channels by having a paypal facility for our functions which has simplified ADRA's finances enormously. We have deliberately not had a membership number allocated to our members to enable everyone to use our website freely. This is one of the benefits ADRA offers to anyone in the Dispute Resolution Community where documents such as our publications can be download for free.

ADRA has a number of membership drives to encourage the participation of younger dispute resolvers to come on board; but rather than spend the very little time I have left discussing our various initiatives which any one of you can hear by attending an ADRA executive meeting, I will mention just the main initiatives before turning to the future prospects with the Dispute Resolution Industry Forum.

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Mainly ADRA has managed to secure GIO insurance for our members at a low price of \$220 /year inclusive of GST, thanks to Cathie Thompson from Suncorp/GIO. Secondly ADRA has accepted to continue with the efforts of the Kirribilli Mediation Centre that was started by Ann Fieldhouse, ADRA's in-house solicitor, to provide role plays to mediators through the Mediator Practise Network Sessions. The MPN sessions are hosted by Senior Mediators and participants can claim CPD points for the hours spent in role plays. The cost for doing so is \$10/session for members and \$25/session for non-members. In addition any member who can organise a group of 4-5 members can ask for a co-ordinator from ADRA to host either an MPN session at the Law Society; or to host a one-to one Peer-support session via teleconference with an Executive member of ADRA for which CPD points can also be gained.

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In addition ADRA has formed a Posthumous Award for Professor Jennifer David at the end of 2014; a Fellowship Award with its first two recipients being Dr. Anne Ardagh and Professor Laurence Boule at the end of 2015; and has hosted joint events with ANZAPPL earlier this year with guest speaker Eman Sharabean which was a very successful event. ADRA is currently organising events with DR and Psych, an Interest Group of the APS with Dr. Emily Kwok as its Convenor; and with the College of Counselling Psychologists of the APS. ADRA is proud that it is the only organisation endorsed by the APS for its members to co-publish their work on the ADRA web-site. The Global Leadership Program at Macquarie University also co-publishes ADRA events and it is hoped that much more collaboration will occur in future with the GLP.

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I will now turn to ADRA's two main initiatives during my presidency.

The first, as stated earlier in 2006 and 2007 arose in response to ADRA's inquiry about whether to become a Registered Mediation Accreditation Body (RMAB) which resulted in the formation of the 'Complaints Handling' template. The second as stated earlier in June 2013 was to re-focus ADRA's attention on the purpose of its existence. To do so ADRA decided to host a Past President's dinner where as many of the Past presidents could set a focus for ADRA's path into the future. In order to assist with this task, Jeremy Gormly who was then the Head of the National Alternative Dispute Resolution Advisory Council (NADRAC) was invited to guide the possibility that ADRA may assist NADRAC in its research capacity- a task constantly advocated by Micheline Dewdney as being of prime importance.

The Past President's dinner was successfully held in early November 2013 and moves were made for further consultation to occur between ADRA and NADRAC. However by the end of November 2013, NADRAC was unceremoniously 'amalgamated' into the Attorney General's department and has since been concluded. Nonetheless, discussions between Jeremy Gormly and ADRA continued that led to ADRA's second major initiative during my presidency, which was the development of the DR Industry Forum.

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The aim of the Industry Forum on this occasion was to create a unified voice with which to approach Government about the needs and concerns of the DR industry both on a National and on an International basis.

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I say, 'on this occasion' and 'in my presidency' only to highlight the fact that the current Dispute Resolution Industry Forum was by no means the first attempt ADRA has made for a unified voice in the industry. There were countless hours of programs in the past under the Presidency of John Pollard, Paul Lewis and later under the presidency of Val Sinclair where the Let's talk initiatives took on a life of their own and for various reasons led us to the current initiative we have now named the DR Industry Forum. There is no knowing how this Forum will fare; but without trying we will never know.

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Briefly then, the idea of the current Forum was precipitated by the amalgamation of NADRAC which occurred with no consultation of any kind with any DR organisation. ADRA like many other organisations at the time made submissions to Government about the possible negative impact of that amalgamation; but ADRA like the other individual organisations realised that

there was no single body that the government could easily have approached in order to have any consultation. In the absence of such a body, any Government could easily assume that the DR industry was simply not sufficiently mature to have a 'consultation group' with whom to consult. And responding to all of the submissions to government from each individual DR organisation was clearly an inefficient and ineffective way for any government to make any decision.

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ADRA therefore consulted with the groups that now form the steering committee of the Dispute Resolution Industry Forum and asked them to consider the possibility of the DR Industry uniting somewhat like a federation to form a unified voice with which to approach Government about its needs and concerns both on a National and on an International basis. Such a union would enable the Government to have a focal point of contact for any future consultation in relation to developing Australia as an International dispute resolution Centre in line with the current international standards that have already been very successfully set in Singapore and in Malaysia. This is not a new concept as the existence of the Australian International Dispute Centre (AIDC) can attest to; the difference is that currently Australia is not the first port of call for international disputes particularly in the Asia-Pacific region because it has never had the level of financial backing from government on par with the government subsidies enjoyed by Singapore and Malaysia.

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The idea behind forming the DR Industry Forum from an international perspective was that Australia should not fall too far behind the already existing very proficient Asian Markets in Dispute resolution by having a central point of consultation with which Government can consult to determine ways forward. The proficiency of the Asia-Pacific markets was demonstrated, earlier this year, in March, 2016 by the recent Global Pound conference held in Singapore where attempts were made to standardise mediation principles for international commercial use. The standards set from the Global Pound conference was an attempt to develop rules for International Commercial Mediation much like the UNCITRAL rules have been established for International Commercial Arbitration. Having a unified voice and focal point of contact for the DR Industry in Australia would assist in making Australia more competitive in the Asian market than it currently is, on an international economic basis.

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On a national Level, having a unified voice with which to approach government would better test whether the industry is now sufficiently mature enough to become a profession in its own right, rather than remaining a set of very highly prized and effective tools that could be used by any other profession. The more frequent use of dispute resolution and mediation in particular by the various Courts and Tribunals around Australia have led to a plethora of differences in what is understood by the very term 'mediation'. Each organisation has its own interpretation from Family Law where Advanced Courses are now required to become a Family Dispute Resolution practitioner to the Workers' Compensation Tribunal where

mediation is understood in totally different terms under that legislation. Questions about whether mediation can be a profession in its own right could be better answered with a focal point for consultation in place.

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The consultations ADRA held individually with the major Dispute Resolution groups in late 2013 resulted in those groups agreeing that a meeting of the DR Industry organisations should be held. The groups agreed that they should form an interim steering committee with Jeremy Gormly the former head of NADRAC, participating in that interim committee. The aim of that committee was to consult with as many other National DR membership organisations that was logistically feasible; and offer them the opportunity to consider whether the DR industry was now sufficiently mature to form such a 'consultative group' as a unified voice with which to address their needs to Government on a National and International scale.

The method chosen by the steering committee was to invite a representative sample of organisations from the 2008 NMAC conference held in Canberra with about 200 participants from which 42 participants accepted the invitation and participated in the first Dispute Resolution Forum held on 14 May 2014 at what was then AIDC premises in 1 Castlereagh Street Sydney. It is not an over exaggeration to say that the day was a resounding success with the participants making it abundantly clear that another similar meeting should be held at the end of 2014. The participants also made it clear that a web presence for such a unified voice would be required. The steering committee therefore accepted the task to follow through with that request.

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Given that the National Mediation Conference was to be held in Melbourne in September 2014 the steering committee was mindful that holding another DR forum towards the end of 2014 would be very difficult. Hence after several considerations, and following the resounding success of the National Mediation Conference in Melbourne with 600 delegates, the steering committee decided that the best way forward to capture the good will and enthusiasm of the previous Forum Day was to have a follow-up anniversary celebration inviting the same 42 participants as in 2014 for the 2015 conference which was again held on 14 May at Ashurst Lawyers. The participants of the 2014 Forum day decided to maintain the membership of the interim steering committee to become the official steering committee and the floor was open for any participant to join the steering committee for 2015.

The 2015 steering committee was very mindful that the participants attending the Forum Days in 2014 and 2015 were a very select group; and there has been much discussion about the way this group was selected. There has also been much discussion about whether the right questions were asked at the first Forum in 2014; and whether the questions put by the Forum participants in 2015 were truly representative of all the DR Industry needs. Keeping these concerns constantly in mind the participants of the 2015 Forum posed questions which were later placed on a linked-in site for discussion between all the participants.

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Unfortunately and probably due to the enormous amount of change occurring in the Australian DR landscape in 2015, there was very little discussion held on the linked-in site; but the need for a web-site remained a pressing concern. And, given the enormous changes that have occurred in the Australian DR landscape in 2015 with the amalgamation of LEADR and IAMA to become the Resolution Institute, and the further amalgamation of ACDC with AIDC to become the ADC time was required to allow the industry landscape to settle prior to holding the third Forum Day which was to occur on 14 May 2016, but will now be held on 12 August 2016.

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The 2015 steering committee still aims to create a web-site for the Forum attendees which tended to be membership organisations rather than organisations with government funding such as Legal Aid etc. The aim then of the 2016 Forum Day is to present such a website to the participants of the 2016 Forum Day that aims to address the questions:

What actions were needed to provide a line of communication between Government and the DR industry on DR issues?

What could the DR industry entities do to increase the use of DR techniques in the community?

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The first Forum concluded its work on 14 May 2014 with, among other things, an invitation to the organizing Steering Group to continue its work to answer the two questions above with a view to further unify the DR Industry. To that end, the Steering Group set for itself the following Terms of Reference;

1. The development of contact among all non-government DR Industry entities with a view to enabling those entities to develop and maintain lines of communication with one another on matters relating to;
 - a. Effective dispute management in all areas of the Australian community, economy and workplace.
 - b. The needs and activity of government in the DR field.
 - c. Common interests within the DR industry.
2. The development and utilization of a line of communication with government in pursuit of a greater use of DR in the Australian community, economy and workplace;

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In pursuit of Terms of Reference 1 and 2 above, the Steering Group shall;

- ▶ Encourage contact between DR industry entities on matters of common DR and industry interest,
 - ▶ Arrange a periodic forum of DR industry entities,
 - ▶ Alert the industry of matters requiring submission to government encouraging or opposing government decision as needed, whether singly by entities or in concert.
 - ▶ Manage a website which provides information to and acts as a means of contact among industry entities on matters relevant to these terms of reference.
- ▶ Agreed to accepted by the members of the DR Industry Forum Steering Group

The Current 2016 Forum Day program:

The program for the 2016 Dispute Resolution Industry Forum Day offers each of the organisations present, 3-4 minutes to discuss their views about the proposed 'consultative body' and whether the enormous changes in the DR landscape since November 2013 has affected their daily functioning. They will have a chance to consider the possibility of formulating some type of unity such as a 'charter' like the one sent as an example to participants in 2015; or formulating another type of entity either on-line or otherwise.

A start has been made and an opportunity afforded again today to you as DR thinkers to re-consider questions raised from the first and second DR Industry Forum Days for the 'right' questions to be asked being mindful that the Industry Forum for 2016 will aim to represent not just mediators but also arbitrators, adjudicators and other types of Dispute resolvers.

As stated earlier Such a 'consultative group' is much like forming a federation where the needs of the industry much like the needs of the country are met, but where the individual functioning of professional bodies akin to States stays the same; and the daily functioning of individual organisations akin to local governments continues as it has always done. As stated earlier the future of such an organisation depends on you, the members of the DR Industry; and although the future cannot be predicted we will not know how it will work out without trying.

That concludes my presentation as President of ADRA. As members of ADRA we welcome any of you to attend our executive meetings which are held at the Law Society on Level 3, 170 Phillip Street Sydney on the 4th Tuesday of every month. The next meeting is on 26 July followed by our AGM on 23 August for which we invite you to a dinner at Silks afterwards. Further details about this will be placed on our website. For now, please enjoy the rest of the day.