



Australian
Dispute
Resolution
Association
Inc.

Established 1987

Annual Report 2004

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Annual Report 2004

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ADRA Board Members 2003 - 2004

President	Salli Browning
Deputy President	Frank Astill
Secretary	David West
Treasurer	Alan McDonald
Membership Officer	Val Sinclair
Board Members	Albertje Gurley Katherine Johnson Sally Trevena Peter James (part term) Peter O'Brien(part term)

President's Report

In 2004, ADRA is 17 years old and fast approaching its second decade as an organization.

The end of an organisation's administrative year is a good time to both reflect on objectives, goals and *raison d'être* and to articulate these.

Before I reflect on ADRA's past year, I would firstly like to extend a greeting to all our members and all those involved in the diverse field that is ADR. (A field so diverse that even its name is open to debate for a range of reasons.)

Secondly I would like to take this opportunity to thank the outgoing President, Val Sinclair and the ADRA Board members. Val has taken on the role of President for the past two years and prior to that has contributed to other office bearer roles during her time on the ADRA Board. This is demonstration of a strong commitment to the objectives of ADRA and has entailed a significant amount of time and effort over the years.

Similarly I extend sincere thanks to all the Board members for the time and effort they have given to ADRA. Managing ADRA on a volunteer basis requires the joint effort of a group of people which make up the Board and it goes without saying that we would not be able to deliver any programs or initiatives without a functioning Board of Management. I don't want to focus on thanking individuals but I would like to acknowledge the particular time and effort that the office bearers contribute to the organization, and to acknowledge the efforts of individual Board members who have contributed to the smooth running of our seminar program.

ADRA Objectives

ADRA exists to promote and enhance the development of ADR. Our current objectives are:

- to provide a forum for the dissemination and exchange of ideas, information and experience in ADR;
- enhance the professional skills of mediators, conciliators and other ADR practitioners; support practitioners and organizations to develop high standards of practice;
- keep members informed of initiatives and directions in the industry;
- make representations in the interests of ADR; and
- participate in the development of industry standards.

Highlights 2004

ADRA initiatives

Following on from strategic planning processes carried out in previous years and in keeping with our objectives, the Board decided the best use of its resources would be to carry out effectively two main initiatives for members: a seminar program for the purpose of skills and knowledge development as well as providing an accessible

forum for practitioners to network; and produce a newsletter to provide an up to date information service for ADRA members.

Attendance at our seminar program was pleasing and numbers of attendees are increasing. (See further). I encourage members to make use of the seminar program to not only gain information and benefit from expertise in an easily accessible format but to also make use of a relaxed and convivial atmosphere to meet and engage with other practitioners. ADRA has many sole practitioners amongst its membership (whether self employed or working as a singular individual in an organization) and networking opportunities can provide an important collegiate function. The seminar program also offers an excellent opportunity to cross fertilise and gain experience and expertise from other disciplines and professions which may enhance your practice.

We have published two issues of our proposed Newsletter and I would like to take the opportunity to thank the other members of the editorial committee, Frank Astill and David West for this achievement. If we are to be able to fulfill our objective, we need assistance with resources to enable the continuation of a newsletter. (See further).

Website

Further work has been carried out on our website. Our goals are to provide a website where ADRA information can be accessed, such as Newsletters, Annual Reports and the Let's Talk ADR Code of Conduct, as well as providing a mechanism for new members to join ADRA.

Administration

Unfortunately a few months ago ADRA lost the use of our office space in Barrack Street, Sydney. Again we thank Peter James of James Legal for his assistance with this space but Peter has now moved premises and ADRA was unable to fit into the new space. We are now exploring other options to find an inexpensive way to carry out our necessary administrative functions and to find a home for our 'stuff'. (If anyone could assist with storage space we would be very appreciative!)

We have managed to continue functioning while we find a new home and I would like to thank all those on the Board who assisted with the move, and to Frank Astill and the Law Extension Committee for providing a meeting place in the short term.

The Future

It is my understanding¹ that in the first issue of ADRA newsletter in 1987, the first ADRA President, Wendy Faulkes expressed her visions for the new Association of ADR. Referring to the broad range of occupations and contexts using ADR techniques, "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.

¹ Reference in an article by former ADRA President Louise Rosemann in ADRJ, May 1997, "The Birth of ADRA: Past and Future Visions"

The association will be able to promote the effective use of ADR processes and, ultimately, promote standards of practice, teaching and research.”

Wendy's words are still relevant today. ADR is still a field of diverse contexts and has developed from a diverse input of professions and disciplines. It is vitally important that an independent organisation exists to provide inexpensive services to members such as opportunities for skills development and up to date information. Equally as important as the provision of services for members is the ability to provide when necessary an independent voice for ADR which takes into account the diversity of the field and a place where ideas can germinate, where research could flourish and where standards can be discussed in a place that exists to serve the interests solely of ADR.

This is why it is important for an organisation like ADRA to exist and hopefully to flourish. For ADRA to continue and to hopefully realise its potential we need contributions at the Board level to extend our pool of resources. If you are interested in contributing to the objectives outlined above please consider becoming a Board member. We need expertise as well as hands on practical assistance to fulfil our functions.

I hope all members give this some thought and I look forward to seeing you either at a seminar in the year to come or perhaps at a Board meeting.

Salli Browning
President

ADRA Seminar Program 2004

When the Board of Management resumed its duties for 2004 it planned a seminar program for the year until the time of the Annual General Meeting. The common theme for the seminars, - an extension of a theme begun in 2003 with Justice Sheahan from the Workers Compensation Commission, was to provide information on 'Mediation and Conciliation in the various statutory and institutionalized contexts'.

Our reason for this theme was to provide practitioners with an understanding of how mediation and conciliation operates in its various statutory and institutional contexts and also to provide practitioners with an understanding of possible avenues for work with the various institutions where relevant.

The first seminar focused on the 'Family' area. Significant changes in the area had just been reported so we asked Associate Professor Tom Altobelli to inform practitioners of the impending changes brought by the new Family Law rules and discuss their impact. The *Family Law Rules 2004* commenced on 29th March, 2004. Tom spoke about the Rules and stated that they herald some of the most significant changes to the practice of family law since the *Family Law Act 1975* was enacted. Tom commented that never in the history of contemporary Australian Family Law have Rules been used as such overt instruments of cultural change.

Tom also had some new and very interesting research on Lawyers uses and attitudes towards Primary Dispute Resolution which he shared with us.

Tom's seminar was followed in June by a comprehensive outline of the process and practice of Conciliation at the NSW Industrial Relations Commission by Commissioner Janice McLeay. Janice is a member of ADRA and was well placed to offer information relevant to practitioners regarding the operations of the Commission with respect to Conciliation. Janice also provided a comprehensive paper of which we were very appreciative.

In August practitioners assembled to hear about 'conferencing' and other ADR initiatives at the Department of Juvenile Justice from the Director of Youth Justice Conferencing, Jenny Bagen. Jenny updated practitioners about some of the more recent ADR options that have been either implemented in the area of juvenile justice or are currently being piloted in the area.

We are very grateful to all our speakers who donate their time and expertise and we are also appreciative of the Law Society for having available a suitable venue for our seminars.

18 March 2004

New Research - Lawyers Uses and Attitudes Towards Primary Dispute Resolution

Update on the new Family Law Rules

**Assoc Professor Tom Altobelli, University Western Sydney,
Lawyer and Mediator**

24 June 2004 *Conciliation in the Industrial Relations Context*
**Commissioner Janice McLeay, NSW Industrial Relations
Commission**

26 August 2004 *Youth Justice Conferencing*
**Jenny Borgen, Director, Youth Justice Conferencing,
Department Juvenile Justice**

Newsletter

ADRA is committed to providing up to date information to the diverse group of practitioners that make up our membership. From our discussions with members we believe that there is a need to try to develop a central repository for ADR information in an easily accessible format to keep members informed of changes in the ADR field. It is particularly pertinent for those sole practitioners who may not otherwise have easy access to ADR information on a regular basis.

We were able to begin publishing a newsletter to meet this objective, however if we are to continue we need further resources from people to assist. The editorial committee consisted of Frank Astill, David West and myself. If any other ADRA members are interested in assisting to produce the newsletter please contact us on the ADRA number.

Salli Browning

Membership

The membership fees for 2003 – 2004 were as follows:

- Member \$ 60
- Practitioner \$120
- Organisation \$200
- Sponsor \$500
- Student (full time) \$ 35

They remain the same for 2004 – 2005.

Treasurers Report for the Year Ended 30th September 2004

ADRA has made efforts to secure office space that is the most cost effective. Peter James had given the Association a subsidised rent at James Legal which saved the Association a considerable amount of members' money. The executive is grateful to Peter for this courtesy, however this year we lost this office space.

An increase in membership fees this year and the achievement of our long established goal to reduce rental and printing expenditure accounted for most of the modest profit.

As resolved at a Special General Meeting, the accounts for these periods and for this year have not been audited. There is no obligation on ADRA to have them audited and therefore it was agreed to dispense with this unnecessary expense.

In this regard, the Treasurer is attempting to obtain certificates from a registered accountant which satisfies the Association's needs and the Associations "legal" requirements. When obtained they will be available to members on request.

Certain records were not available when the 2004 accounts were prepared. It may be necessary to modify these accounts when all the documentation has been perused. Any alterations/modifications are expected to be minor.

Alan McDonald.

(Qualified Accountant, Eligible for membership of the Australian Society of Practising Accountants).

Expenditure Account as at 30th September 2004

2003	REVENUE	2004
635	Conferences and Functions	1342
5815	Membership and subscriptions	7395
139	Electricity Refund	-
6589		8737
2003	EXPENDITURE	2004
-	Audit Fees	-
25	Bank Charges and State Taxes	33
264	Conferences and Function Expenses	1530
463	Depreciation	347
118	Electricity	-
-	Insurance	

758	Publications – Newsletter/Brochures	547
607	Postage	587
673	Printing and Stationery	136
2720	Rent	2223
221	Sundry Expenses	32
1059	Telephone/Internet Web	929
-	Travelling and Entertainment	-
1123	Wages and Consultancy fees	620
-	Storage	514
-	Office Removal Fees	254
8031		7752
1442	Loss /Profit for Year	985
52	Other Income Interest received	50
1390	Net Operating (Loss)	-
	Net Operating Profit for Year	1035
10170	Add Retained Profits-Beginning of Year	8780
8780	Accumulated Surplus at 30th September	9815

Balance Sheet for the Year Ended 30th September 2004

2003	Current Assets	2004
42	Cash at Bank	1374
7848	Cash Management Account	7898
7890		9272
1390	Fixed Assets- Plant and Equipment	1043
9280	Total Assets	10315
	Current Liabilities	
500	Less Creditors	500
8780	Net Assets/Accumulated Funds (Surplus)	9815