

MEETING OF THE AUSTRALIAN DISPUTE RESOLUTION ASSOCIATION BOARD AT 307 PITT STREET SYDNEY ON 5 JUNE 1996

Present: D. Rollison, P. Lewis, M. Carter, S. Syklotis, M. Bremner, A. McDonald, F. De Biasi
Apologies: L. Roseman

Minutes of the previous meeting were read, moved S. Syklotis, seconded M. Carter.

Matters arising: David Rollison responded to draft regulations for Family Law amendments (copy attached).

Correspondence in:

1. Notification of the change in CEO at ACDC. The new CEO is Michelle McCausland
2. Mediation UK replied to our concerns about not receiving their publication (David R. responded to this letter).

Treasurer's report: Bank balance as at 2 May was \$25,592.

Newsletter: David R. asked for contributions to Mediation News in his President's column.

Membership: Application from Victor Pisani (moved P. Lewis, seconded M. Bremner).

General Business: David R. contacted 'Bourkes Backyard' to give information about mediation agencies for disputes over garden and other issues.

Stella S. raised the question of promoting mediation on television. CJsCs already do so, as well as some producers/shows.

Alan McD. reported on the changes to the Family Law regulations for mediators as he understood them.

Michelle B. raised concern that applicants for membership had their applications considered by the Board and possibly vetoed. Paul L. reported that ADRA's Articles of Association required the Board to ensure that the applicant meet at least one of its four requirements. Paul suggested that we note the mover's and the seconder's comments at the time of consideration of the membership application, perhaps using the words "no known reason to request further information". The Board recognised that it is responsible for ensuring the integrity of the organisation.

LEADR

Stella advised that LEADR has arranged with Legal Aid Commission for referral of all appropriate Civil Litigation matters Mediations are conducted pro bono.

LAW WEEK

David advised that we were unable to arrange a mediation demonstration targeted to schools as more time was needed for negotiations with the Department of Education.

It was noted that the Law Society has taken a number of initiatives to introduce mediation to students.

LOCAL GOVERNMENT CONFERENCE

Michelle advised that a Local Government Precinct Coordinators group is arranging a conference on Consultation with the Community to be held on 17 and 18 October 1996. There will be a strong focus on ADR. Michelle has suggested that Larissa Behrendt author of "Aboriginal Dispute Resolution", present a paper. Larissa is currently studying in the U.S. Larissa is prepared to participate in the conference if she is sponsored to attend.

It was suggested that ADRA consider sponsoring this speaker. There was general discussion of the merits of this proposal.

A motion was moved by Alan, seconded by Maureen, that ADRA sponsor the conference to a maximum of \$3,000.00 on the following basis:

1. ADRA Sponsorship be acknowledged;
2. ADRA be entitled to hand out materials at the conference venue;
3. A workshop relevant to ADRA members be included in the conference program;
4. Larissa present a seminar/paper to ADRA members, whilst in Sydney;
5. David to communicate with Larissa and the conference organisers to make all necessary arrangements. David will liaise with Michelle.

The meeting agreed that as the conference was likely to be of interest to ADRA members, the motion be adopted. Michelle will bring further information about the conference to future meetings.

ALTERNATIVE TO VIOLENCE PROGRAM

Michelle advised that ELAINE DYER from New Zealand, runs a program sponsored by the Quakers. She will be in Australia next year and is interested in presenting a workshop on the subject of alternatives to violence. Michelle proposed that ADRA consider arranging Elaine to present workshops for ADRA members. The meeting agreed to consider this further at a later stage.

SURVEY MATERIALS

Details of the survey with final summaries, has been delayed. Louise will send these to all members as soon as possible.

Meeting closed 8.45 pm.

NEXT MEETING

6.00 pm 3rd July 1996 at Thorntons, Level 12, 307 Pitt St., Sydney.



Inc

Australian Dispute Resolution Association, Inc.

PO BOX A2468 SYDNEY SOUTH 2000

~~PO Box E468 St. James
Sydney NSW 2000~~

3rd May 1996

RICHARD MORGAN
FAMILY AND ADMINISTRATIVE LAW BRANCH
ATTORNEY GENERAL'S DEPARTMENT

FACSIMILE 06 250 5917

Please find enclosed the response foreshadowed in my fax of the 16/4/96. Over one third of the membership base of ADRA are practicing family mediators, by far the majority for recognised agencies and with years of experience, but no qualification as envisaged by S. 60(1) (a).

Clarification is required as to the meaning of 'full-time basis' S. 60 (3) (a) given the predominantly sessional/part-time nature of mediation

DAVID ROLLINSON
President, ADRA
(02) 2288390

DRAFT REGULATIONS FAMILY LAW ACT 1975
MEDIATION

Further to my facsimile of 16 April 1996, the Board of the Australian Dispute Resolution Association considered the above draft regulations at its meeting on 1 May, 1996.

The following comments are made :-

* s.60 - Qualifications, training and experience

s.60(1)(a))
(2)(a))

concern that a large number of community mediators have been extensively trained in generic mediation skills and have practiced for many years as generalist and family mediators would be excluded, unless this training (by agencies such as CJC (NSW)) was recognised. CJC employed NSW TAFE in the early 1980's to provide training with a Statement of Attainment following the 72 hour course and satisfactory assessment. Uniform in NSW has trained specialist family mediators from the late 1980's. Training has (and is) also provided by the Conflict Resolution Service in the ACT and the ADR Division of the Department of Justice in Queensland, amongst others. These bodies may then engage their accredited mediators to provide mediation to clients on a sessional basis. A number receive government funding to provide a mediation service in this way.

The emphasis should be on an appropriate standard of training in mediation with regular supervision and upgrading of mediation skills (as well as specific training in family mediation) via recognised providers/agencies. Such training can and does include relevant exposure to law, psychology, social theory, etc., relevant to the mediators role.

S.60(2)(b) Would the Macquarie University (P/G) Diploma of Conflict Resolution or the proposed Diploma in Conflict Management be recognised here?

Is the 'course of study in mediation' restricted to tertiary institution provided (as envisaged by S.60(1)(a)) or might agency courses of the type and length referred to above be considered as 'equivalent'?

S.60(4)(c). The Board questions the need for and objects to this subsection given subsections (a) and (b); presumably, mediators should be supervised by those whose professional role is supervision and who ^{are} is appropriately trained and experienced in mediation and the conduct of mediation sessions.

* S.62 - Assessment of Mediation Suitability.

(..... 2)

S.62(1) & (2)) - A number of agencies use intake officers to carry out some preliminary assessment and the regulations should reflect this. Further assessment by a mediator/the mediator is supported.

(2)(d) - how might a child suffer abuse 'at' mediation? (presumably a risk by virtue of a mediation being conducted.)

(4)(b) - why 'in writing', as opposed to a verbal statement to all parties by the mediator as to his/her reasons.

* S.63 - Information to Parties before mediation.

S.63(2)(d) - rewording necessary.

(2) (g) - a mediator's right to terminate should be provided.

* S.64 - Obligations - general.

S.64(a) 'Process' relates to the actual provision of mediation which will reflect the training the mediator has obtained; it is not administrative or accommodation suitability.

(b) What is 'authorised' access and for what purposes might such access be allowed?

The Board considers that provisions may be required to deal with requests for observers in mediation and access to material for the purposes of academic research and training/supervision, subject to suitable safeguards and consent provisions.

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AUSTRALIAN
COMMERCIAL
DISPUTES
CENTRE

Chairman
The Hon Jerrold Cripps QC

Vice Chairman
Laurie Glanfield
Director-General
NSW Attorney General's Department

Chairman, ACDC Mediator
Accreditation Board
The Hon Gordon Samuels AC QC

PRESS RELEASE

New CEO for ACDC

Michelle McAuslan has been appointed the new Chief Executive Officer for the Australian Commercial Disputes Centre.

Ms McAuslan was the Principal Solicitor at the Communications Law Centre for four years and has a background in diverse areas of law, policy and training in both the private and public sector.

"ACDC's case management figures have more than doubled in the last financial year with mediations now showing a 95 per cent success rate," Ms McAuslan said "There is an increasing realisation in all areas of the community, that dispute resolution saves considerable time and money for both government and business."

"ACDC will continue to focus on encouraging a wider awareness and use of alternative dispute resolution in commerce, industry and government, while increasing its areas of specialist training and accreditation," said Ms McAuslan.

"As the ACDC reaches its 10th anniversary, we maintain our commitment to a fundamental shift in Australia's adversarial culture through the promotion of a full range of alternative dispute resolution mechanisms," added the Hon Jerrold Cripps QC, ACDC's Chairman. "Ms McAuslan's wide experience in trade practices, franchising and employment law, consumer issues, communications and media will see ACDC extending its services to new areas."

ACDC was established in 1986 as an independent non-profit organisation to introduce neutral non-adversarial dispute resolution procedures in Australia and reduce the pressure on courts, particularly in commercial litigation. It now also provides and trains mediators to handle disputes in areas including workplace grievances, insurance, complaints handling, environmental areas and Aboriginal Land Council issues.

ACDC can also arrange arbitrations and expert determinations. It has developed guidelines for a range of dispute processes and dispute resolution clauses for commercial contracts and employment agreements, all of which are available on the World Wide Web at <http://www.austlii.edu.au/au/other/acdc/>

Its new premises at Level 6, 50 Park St Sydney have facilities for holding mediations.

Inquiries to:
Michelle McAuslan (02) 267 1000

26 February, 1996

MEDIATION UK

Chair: Carey Haslam Director: Tony Billingham



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ML/ADRA Exch

Louise Rosemann
Membership Co-ordinator
Australian Dispute Resolution Assoc Inc
PO Box A2468
Sydney South
NSW
Australia 2000

26 April 1996

Dear Louise Rosemann

Thank you very much for your letter, which was undated, but arrived here on 9 April 1996. Thank you too for the last three issues of 'Mediation News', which I have found very interesting.

When I checked with our exchange list, I discovered that we are already exchanging newsletters. Possibly someone else has replied to my letter a long time ago. In any case, we are already in contact.

I hope that meanwhile you are receiving our magazine and newsletter, **MEDIATION** and **MEDNews**. If you are not, let me know and I will check that you are on our list.

The other change you should note is that I am no longer Director of **MEDIATION UK**, but continue to work part-time for them as Projects Adviser.

Yours sincerely

Marian Liebmann

Marian Liebmann
Projects Adviser

*27/6/96
Newsletters received!
Autumn 95
Winter 95
Spring 96
+ Spring 96 MEDNews*

*24/5
May '96
Copy of
Mediation News
sent, with
request for
back copies +
renewal of
MEDIATION UK
magazine +
newsletter (no
record of ever
receiving)*



Elaine Dyer and Associates

ELAINE SUSAN DYER

- Born 16.4.49, Wellington, New Zealand
- Trained Primary Teacher (With Distinction) Wellington 1968.
- Bachelor of Arts (Education/English) Victoria University 1970.
- Part time Teacher/Facilitator at Timatanga Primary school, Whenuapai. (A Parent Co-operative Alternative school) 1977 - 88.
- Counsellor, Trainer and Supervisor of Counsellors at Youthline, 1977-83.
- Member of Advisory Committee, Youth Resource Centre, 1981 - 85.
- Foundation member, Auckland Youth workers Association, 1981 - 87.
- Initiator and Co-ordinator of Action Education 1981 - 1988. (Youthline Counselling Service Auckland)
- Comprehensive training in a wide range of counselling, Therapeutic and action methods, including sociodrama, psychodrama and role training, neurolinguistic programming, group dynamics, conflict resolution.
- Background in improvisational and educational drama. (Dorothy Heathcote).
- Leader of several weekend intensive personal growth groups. Also co-dependency courses for women.
- Trainer in facilitated role play, counselling and action methods of education for groups as diverse as Teachers, Lawyers, Health Educators, Prison Officers, corporate and community groups in New Zealand, Australia and USA.
- Co-ordinator of prison programme and workshop leader of improvisational drama course at Paremoremo Maximum and Medium Security Prisons 1984 - 1988
- Study tours
 - Australia 1985 drug and alcohol education and prison programmes.
 - U.K. 1988. Attendance at Findhorn's conference "The Individual and the Collective - Politics as if the whole Earth mattered!"
 - Subsequent Citizen Diplomacy tour of Russia.
 - 1992. Training as Trainer for the Alternatives to Violence Project, New York, USA.
- Foundation tutor in the Auckland based Holos Institute for training Transpersonal Therapists 1990.
- Facilitated conference sessions and workshops for New Zealand Association of Drama in Education; Family Communication Training Conference; Festival of Co-operation; Alcoholic liquor Advisory Council National Conference; Gaia conference; Festival of Heart Politics.
- New Zealand's Pakeha representative at "Peace and the Planet - Native Wisdom, Native Rights", Oregon USA 1992.
- Member of Co-ordinating team for "The Gathering", 1991 & 1993.
- Free lance consultant, facilitator and team builder for corporate and community groups e.g. Internal Affairs, Area Health Boards, Quest Rapuara, Post Bank, Health Promotions Forum R.E.A.P.
- Tutor of Maori Writing Course, Manukau Tech., 1991.
- 1991 → Trainer of facilitation skills courses, Auckland University Continuing Education
- 1992 - 95 Training Co-ordinator, Alternative to Violence Project Aotearoa.
- 1992 & 94 International conference of the Alternatives to Violence Project USA
- 1994 → Establishing Trainer for Oasis - Hospital Emergency Department support for victims of domestic violence on behalf of the Health Research Council Auckland.
- 1995 AVP training tour to Australia, South Africa, Kenya, Uganda, England & USA
- 1995 AVP Speaker at UN Ninth Congress on Crime, Cairo, Egypt.

EDUCATIONAL VIDEOS

- Training video For counsellors for Citizens Advice Bureau (1984).
- Careers videos For labour Department (1985).
- 'Reaching Out' Training video for teachers (1987) to accompany stimulus videos.
- 'More Ways than One' (1988) Writing, performing and Facilitating in Action Education's Series for Secondary schools.

OUTLINE OF RELEVANT EXPERIENCE WITHIN PRISON CONTEXT.

- 1983 Paremoremo Med: Facilitator of several months of drug and alcohol educational evenings, (with Youthline's Action Education) using role play and facilitated discussion (average attendance 80 plus Inmates)
- 1984 - 1990 Med - Max, Waikeria.
Designer and facilitator of variety of programmes for Inmates using improvisational drama as a base for increasing self esteem, confidence, communication abilities and healthy peer group relationship building, preparation for release from prison.
- 1984 - 85 Medium Security
Presented several sections at therapy programme for both the Human Relations Programme and the Sexual Offenders Group.
- 1985 October/November - Study tour of Australian educational programmes in prisons, alcohol and drug fields.
- 1986 Contract with N.S.W. Corrective Services Educational division to train all drug and alcohol tutors in use of action methods.
- 1986 - 87 Staff Training at Paremoremo, in partnership with Don Swinton (psychologist). Stress management. Dealing with Inmate Suicide.
- 1985 Staff Training on contract for Auckland Probation Service - 5 Sessions dealing with sexual offenders.
- 1986 Training for probation service on implementation of Parole's role in Criminal Justice Act.
- 1988 Maximum Security.
Facilitator of inmate sessions on topics ranging from drug and alcohol abuse, anger management, relationships with women and children, cross-cultural sensitivity, communication skills.
- 1988 Waikeria
Designed and facilitated two intensive series of inmate programmes, evaluated in detail by QEII Arts Council.
- 1988 Submitted in-depth recommendations to Roper Commission on Prison Reforms.
- 1988 Study visit to Barlinnie Special Unit (Glasgow) and meeting with other prison educational workers and rehabilitation organisations U.K.
- 1988 - 90 Maximum Security.
Co-Facilitator of action Workshops for A,B, and C blocks, developing communication, self esteem, and group awareness.
- 1990 - 91 Maximum Security.
Facilitating 'Exploring Contemporary Spirituality' for inmates.
- 1988 Co-Initiated (with Caroline Marshall) networking meeting of all non-institutional Tutors and programme directors of habilitative programmes for Maximum Security prison.
- 1989 - 90 Co-facilitated series of 'Women Working in Prisons' training and networking sessions.
- 1992 - 95 Training Co-ordinator, Alternative to Violence Project Aotearoa, Active in Auckland East and West prisons, Mt Eden, Waikeria, Rangipo and Rimutaka.