

(3)

ADRA BOARD MEETING HELD 7 FEBRUARY 1996 AT 6.00 P.M.

PRESENT: David Rollinson, Maureen Carter, Stella Sykiotis, Paul Lewis, Alan McDonald, Peter Irving, Louise Rosemann (From General Business).

APOLOGIES: Frances De Biasi

MINUTES: Of meeting 6 December 1995
Accepted (Irving/McDonald).

MATTERS ARISING:

David and Louise still examining stationery needs and membership form not yet amended.

The book review of "The Mediator's Handbook" was carried out by Michelle and was tabled. David will forward to Law Book Company as requested (for ADRJ) and also include in next Mediation News.

CORRESPONDENCE:

OUTGOING: Letter to David Syme (The Resolution Centre, ACT) re competencies for Mediations. A copy of the as adopted (22/11/95) ACT C.S.& H. ITAB Standards have now been received.

INCOMING: * From Unifam - thank you for distributing newsletter inserts for training v. programs.

- * From Conflict Resolution Network - CRN's campaign for Conflict Resolution in Government; Stella Cornelius invites a statement from ADRA in support of the concept - agreed (DAVID to prepare and send).
- * From Joint Select Committee on Certain Family Law Issues - Report on Funding and Administration of Family Court of Australia (Public Hearings included Paul and Debbi Oddi, on ADRA's behalf) - tabled.
- * From Law Book Company - copies of specific ADR journals missing from ADRA's library, supplied free of charge. (ADRA now has a complete collection of all issues with the exception of Vol. 1 No.1 (1990) - out of stock at LBC). David has conveyed the Board's thanks.
- * From Federation Press - newsletter inserts and a copy of "The Fundamentals of Family Mediation" (Haynes and Charlesworth). For review purposes. Peter agreed to write the review.

- * From 'FAMCON' - conference proceedings now available; a set to be obtained for the ADRA library.

TREASURER'S REPORT:

As at 31 January 1996, the estimated bank balance is \$26,000 (statement awaited). Stella is to discuss short term deposit options with the Bank and advise at next meeting.

NEWSLETTER AND MEMBERSHIP:

With only Michelle's book review received, Mediation News will be delayed. Michelle advised that Dianne Pittock (MAV) had requested a selection of articles etc., around the cultural theme of the January 1996 International Mediation Conference (Adelaide) be the focus of the next edition. David will seek the ok of the conference organisers.

Michelle tabled her summary of the conference, for inclusion in the newsletter.

New member applications were received from the following and approved (Brenner/Lewis).

Joy Mann
L Garrett
Aart Groothuis
Susan Moses

GENERAL BUSINESS:

- (a) Member Survey - a total of 75 survey responses received to date, along with supportive verbal comments from some members. After discussion it was agreed to divide the responses amongst BOARD members to tabulate against a table Louise will prepare and also to list/summarise free form and other responses, with all results to a full BOARD meeting.
- (b) SBS video - Peter raised the approach made 18 months ago by SBS for a multi-lingual half hour mediation video for the "English at Work" series.

An earlier submission for the \$80,000 production cost to Commonwealth not successful. It is now suggested ADRA (in conjunction with MAV/SADRA/LEADR/Queensland Department of Justice/NSW CJC??) might approach the Law Foundation. The format suggested is a 5 min.intro/20 min.role play/5 min.summary, scripted by ADRA and produced by SBS.

Peter and Paul are to examine the legal form of any SBS/ADRA venture and together with DAVID discuss with the above groups. Andree Maddox is keen to participate. The video would have 21 screenings in 3 years.

The meeting closed at 7.35 p.m.

The Next Meeting of the BOARD will be held on 6 March 1996 at Thorntons, Solicitors, 12th Floor, 307 Pitt Street, Sydney at 6.00 p.m.

Book Review by Michelle Brenner

The Mediator's Handbook
Skills and Strategies for Practitioners
by Ruth Charlton and Micheline Dewdney

This book is a contribution to the mediation field from two pioneering mediators from Australia. Both Ruth Charlton and Micheline Dewdney have years of practical experience behind them in training and facilitating mediations. The Mediator's Handbook is clearly a collection of the insights and wisdom that these women have gained as a result of years of experience in mediation.

The strength of this book lies in the ability of the authors to express their experiences as mediators and mediator coaches in a format that can assist not only mediators but anyone who would like to expand their communication style. It is written for a mediator practitioner and to this end this book fulfils its purpose in exposing the realities behind those who "have their day in mediation" from the author's perspective.

As the title implies this is a Handbook for Mediators' to be able to tap into before mediations. It gives suggestions for some how to, when to and why not tips for preparing mediators not only for the expected problems that usually occur, but also for the unexpected. This guide is written in a format that is structured similar to the model of mediation that the authors follow and articulate.

A Mediators' role is defined throughout the book using terms such as; guiding the parties in a systematic co-operative problem solving process; facilitating communication and negotiation between parties; as well as "to encourage and empower the parties to take a central role, to facilitate direct communication between them and to guide them through the mediation process." The distinctive difference between the role of the mediator and other professional roles is that related to giving advice. The authors pay a great deal of attention to strategic measures and language usage in order to have this distinction strongly perceived by all parties present in a mediation.

The book is in an easy to read and reference layout that has an extensive table of contents and index to allow a reader to access strategies as well as revisit specific issues relating to the usual incidents that can happen during a mediation. One of the attributes of the book is the specific case studies that give examples of both communication skills as well as intervention or practical strategies in a mediation setting. These are then used to display the do's and don'ts of a mediator. As all these cases are related to an Australian setting, this book can be seen as a real insight for the trainee mediator in Australia.

Issues such as the when to, how to and why, of caucusing, are explored highlighting the perspective of the authors that a private setting is the appropriate place for an individual

analysis of the dispute whereas the joint setting is specifically for a 2 way communication between parties.

Although there is no heading or index combining the principles behind mediation, the authors often reflect and point out the difficulties' mediators have when dealing with issues of neutrality, flexibility, good faith, power imbalance, impartiality and empathy.

The authors ask us to re-evaluate our thoughts on hidden agenda's, suggesting that often what is taking place is a negotiation strategy. The question of power in mediation is also addressed with a view that comes from experiential knowledge. Issues such as interpreters and legal representatives are also analysed in a practical format.

Finally an appendix of three agreements to mediate from Australian Mediation services indicate the depth and seriousness of the role of a mediator and the mediation process.

This book is rich in practical experiences gained from the expansive area of mediations the authors have been involved in. The weakness of the book lies in its lack of theoretical structure. The analysis of conflict and the approaches to resolution are not discussed along with an exclusion of a bibliography or further reading that could balance the book.

It is evident from the book that the authors view mediation as a specific structure in problem solving and that flexibility is within this structure. It is wise for all practitioners of mediation to be familiar with variations of mediation. These range from a specific structure that outlines stages of mediation as this book does, to principles of resolving conflict such as Greg Tillett suggests in his book *Resolving Conflict a practical approach*. John Burton's *Conflict series* has a wealth of theoretical understanding of conflict and the place of mediation. Adam Curle an international mediator has recently had a book published, *Another Way* that looks at the underlying principles involved in mediation and conflict. These books all contribute to widening perspectives of the complexity and approaching the resolution, of conflict.

Mediation is one process that can be used towards this end and all practitioners that work in this field are pioneering a paradigm, that of collaborative problem solving using participative analysis. This is not a traditional part of our institutions or Australian culture. Books, courses and research expand perspectives and understanding both in human nature, as well as the nature of conflict and approaches to sorting them out. In an area that reaches the soul of a person's life, their dispute or conflict, it is only ethical for practitioners to continue the learning cycle between the practical experiences gained during mediations.

(copy)

Mr. David Syme,
Conflict Resolution Service,
GPO Box 2619 CANBERRA ACT 2601

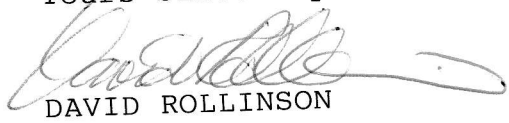
Dear David,

Belated thank you for the Draft Competency Standards you sent ADRA in October last. The Board examined same with interest following its November meeting and was supportive and congratulatory for the initiative and work done.

ADRA has a copy of the adopted Standards and notes that you have recommended them to the ACT government for general adoption. The Board likes the competency approach and will be encouraging developments in NSW along these lines.

Again, thanks for your efforts,

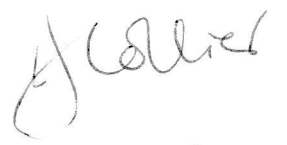
Yours Sincerley



DAVID ROLLINSON

(PRESIDENT)

5/2/96



Jo-Anne Collier
Manager,
Training and Development.



Training and Development Unit

20 Pitt Street Parramatta NSW 2150

PO Box 3156 Parramatta NSW 2124

Tel: (02) 891 1628 Fax: (02) 891 5675



11th December 1995

Mr. David Rollinson
The President
ADRA
P.O. Box A 2468
SYDNEY SOUTH NSW 2000

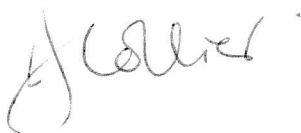
Dear David,

Thank you for your assistance in raising the profile of Unifam's 1996 Mediation Training Program.

I have enclosed 120 folded brochures.

Thanks once again.

Yours sincerely,



Jo-Anne Collier
Manager,
Training and Development.





Australian
PO BOX A2468 SYDNEY SOUTH 2000

12th February, 1998

(COPY)


Ms. Stella Cornelius,
The Conflict Resolution Network,
PO Box 1016,
CHATSWOOD NSW 2057

Dear Ms. Cornelius,

CONFLICT RESOLUTION IN GOVERNMENT CAMPAIGN

The Board of the Australian Dispute Resolution Association has been aware and is supportive of your initiatives for declaration by 'conflict-resolving' candidates in prior state and local government elections. The Board considered your latest campaign and supportive material at its meeting on the 7th February last and is again pleased to lend its support and encouragement.

ADRA is pleased to be associated with groups such as CRN who work towards addressing the negatives associated with conflict and seek to raise in the community alternative approaches which are inclusive and consensual. Your Conflict Resolution in Government campaign for the upcoming Federal election is worthy of support and ADRA wishes it well.

Yours Sincerely,

(DAVID ROLLINSON)
PRESIDENT

...and practice of Conflict
...and international network.



The Conflict Resolution Network

ACN 000 823 450

PO Box 1016, Chatswood NSW 2057 Australia, Tel (02) 419-8500, Fax (02) 413-1148

Q&A for Conflict Resolution Network's Campaign for Conflict Resolution in Government

DRAFT

Dear Colleague

With a federal election imminent, and The Conflict Resolution Network will call for more Conflict Resolution in Government. CRN will campaign to attract and support Conflict-Resolving Candidates from all political parties and independents.

Why now?

- The adversarial style in electioneering - and in government - serves us badly. The frequent haranguing, name-calling, and battling diverts time and energy from the real needs of the electorate.
- We need the same co-operation, the same striving for consensus from government in times of peace as we would demand in times of war. To address our war on violence, drug-abuse, crime, involuntary unemployment, racism, discrimination, environmental degradation, we need everybody's input with all contributions considered to assess how they serve the greatest good.
- Politicians underestimate their role as social model. In the past, the soap box orator had limited influence; today, our political leaders - through the mass media of TV, radio, and print - reach millions.

How will Conflict Resolution in Government serve my needs if I am a voter with an issue of deep concern?

- Most of our deep concern cross party lines. Whether the issue is unemployment or racism, childcare or landcare, we need - not warring factions, one of whom supports while all others tear the ally apart - but a conflict-resolving team drawn from all parties and factions to air and pool all factors.
- The habits of courtesy and co-operation will create more accountability in public utterance.

CRN is aiming for a four-point commitment from Candidates. The four questions are:

1. Would you describe yourself as a Conflict-Resolving Candidate?
2. Will you address the issues and refrain from attack on opponents?
3. Will you promote your own policies firmly without putting down dissenting contributions?
4. Will you acknowledge and build on the ideas of others without denigrating them?

What is to stop a Candidate saying "yes" to the four questions and ignoring them later?

- We hope to inform the electorate as much as we do the Candidates. By understanding better what Conflict Resolution is all about the electorate will keep the Candidates on line.
- We hope to influence social environment as well as the style of politicians. In this way, we build conflict-resolving community where a conflict-resolving approach is the expected norm.

What is the suggested undertaking for Candidates?

- Yes, it is "I give this undertaking to my constituency: As your representative, I will take a conflict-resolving approach...I will seriously address the issues you raise...There are policies and practices I feel Purpose: to research, develop, teach, and implement the theory and practice of Conflict Resolution, establishing a national and international network.

strongly about and you will hear from me about these...I will refrain from attack on those who disagree...I will always keep an open door and an open mind...I will listen to different views and, where possible, acknowledge and incorporate them into my own approach to serve the widest range of community needs and concerns."

Will we still need different parties?

- Political parties are built into our democratic system so we do not envisage their disappearance, though - in keeping with the breaking down of hierarchical structures in all our institutions - some changes may evolve:
 - Less rigid policies more freedom for a conscience-vote for members.
 - More independents and more independence.
 - This is in keeping with less hierarchical structures in all our institutions.
 - Perhaps there will develop more porous partitions between parties, and we may be able to belong to more than one political party, or - as a matter of principle - to all.

Either during the election campaign - or later in office - won't conflict-resolvers find this too hard to do?

- It certainly isn't easy. It can be thoroughly worthwhile, and the community will notice the difference..
- CRN will help in these ways:
 - Publicise those who make the four-point commitment (but make no comment on those who do not).
 - Send a brochure containing a Conflict Resolution Toolkit.
 - Alert media and the community so there is a great body of support.
 - Establish (02) 419-8500 as a hotline for urgent conflict situations.
 - For those who want to go further we will put people in touch with training and self-help programs.
 - Each committed candidate will receive a certificate of appreciation.

Is this too idealistic to work?

- Surely ideals underpin our system of government.
- The issues are too challenging for cynicism to freeze out a search for better ways.
- It is not idealist to want our system of government to:
 - work better, squarely focussing on the real issues;
 - provide more satisfaction to all who take part in it;
 - reflect the concerns and involvement of our communities.
- Often those at the heart of the system acknowledge the problems, seek a way out of the mess, but feel powerless as an individual to change things. This campaign will give them support.

Can this be made to work?

- We believe much of the business of Government is conducted courteously, co-operatively, and collaboratively. Only a minority of members are adversarial, loud-mouthed and raucous, and they must not be allowed to hijack the governing process.
- A haranguing style is learnt; it can be unlearnt. We are not expecting overnight change: it is sufficient to know that we are working towards new paradigms.
- Many candidates and politicians would adopt a more conflict-resolving mode if they felt that everyone else was doing the same - and the electorate was expecting it.

DRAFT

Why do you think Conflict Resolution in Government is worthwhile?

- People are tired of an adversarial approach to politics that puts down individuals and reduces effectiveness.
- People don't want to be diverted from the real issues into slanging matches; when they can't find substance in political statements they "switch off" altogether.
- It makes for better decision-making, and better use of finances and resources.
- A collaborative approach gives considered decisions that truly represent the community's concerns.
- Voters want to trust and respect their representatives.
- A conflict-resolving culture will attract better candidates.
- It's a waste of good minds to do anything else.

Do you have government support?

- We deeply appreciate the support of many members of parliament - state and federal.
- This is support in principle only; no funding comes from government, opposition, minor parties, independents, or from anywhere else except participants in the Campaign.

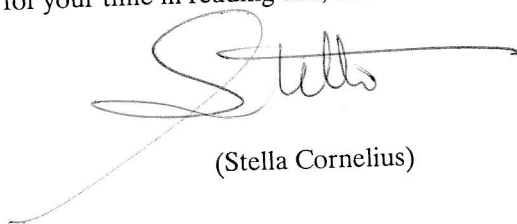
How will reforms come about?

- Members of parliament who are committed to conflict-resolving principles will act as catalysts for more productive and professional patterns of response to issues.
- The electorate will start to notice the new style, and encourage those who respond in conflict-resolving ways.

Do you invite involvement?

- There's nothing exclusive about CRN; everyone can participate.
- Contact CRN at PO Box 1016, Chatswood NSW 2057, Phone (02) 419-8500, Fax (02) 413-1148.
- We answer all communications as quickly as our busy office allows.

Do get in touch if there's anything else you need to know.
With deep appreciation for your time in reading this, and best wishes.



(Stella Cornelius)

The Conflict Resolution Network

ACN 000 823 450

PO Box 1016, Chatswood NSW 2057 Australia. Tel (02) 419-8500, Fax (02) 413-1148

You and The Network

DRAFT

You are warmly invited to act as a spokesperson for Conflict Resolution in Government.

You could contact local media yourself or talk to small groups or public meetings; participate in talkback radio, write "letters to the Editor" or enclose material in your correspondence.

The following questions and answers may prove helpful.

Why are you personally involved?

- Do identify yourself and what you do.
- Please make it clear that:
 - you speak for yourself only as an individual who links into The Conflict Resolution Network.
 - neither you nor anyone else speaks for the diverse opinions of CRN.

What is The Network?

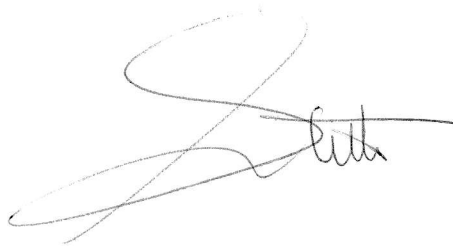
- CRN's purpose is to research, develop, teach, and implement the theory and practice of Conflict Resolution throughout a national and international network.
- CRN is an information-sharing system, helping networkers in every area of Conflict Resolution from the global and universal to the personal and local.

Has CRN any affiliations?

- CRN is not aligned to any political, religious or philosophic group.

How is CRN funded?

- Every program CRN undertakes will have a mix of donor-funding, participant-funding, and perhaps some volunteer services and gifts in kind.
- On some occasions, the donor may be a government department, but that is not the case in the Conflict-Resolution in Government Campaign.



Purpose: to research, develop, teach, and implement the theory and practice of Conflict Resolution, establishing a national and international network.

**Now you can stay
on top of dispute
resolution ...**



FACT SHEET

AUSTRALIAN DISPUTE RESOLUTION JOURNAL

Editors: Micheline Dewdney & Ruth Charlton

The *Australian Dispute Resolution Journal* is the only Journal that has up-to-date information on **all** aspects of dispute resolution in Australia and overseas.

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Number of issues

The *Australian Dispute Resolution Journal* comes out four times a year.

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THE FUNDAMENTALS OF FAMILY MEDIATION

John M Haynes & Stephanie Charlesworth

THE FUNDAMENTALS OF FAMILY MEDIATION provides a ground plan for family mediators. Based on John Haynes' celebrated training program *Fundamentals of Divorce by Mediation*, this book provides a clear model of mediation, an understanding of the theory of negotiation, and an analysis of separation and divorce not only as it affects family members, but also as a social and legal event.

This book is designed as a mediators' handbook and can be used by practising mediators to solve a wide spectrum of problems. It can also be used to provide basic information to trainee mediators as well.

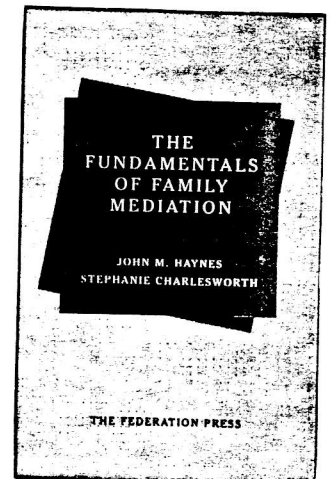
TABLE OF CONTENTS:

- The Process of Mediation
- Beginning a Mediation
- Managing the Budget and Support Sessions
- Dividing the Property
- Future Parenting Responsibilities
- Negotiating Behaviour
- The Memorandum of Understanding
- Building a Mediation Practice

Annotated Bibliography

Appendices:

- Statement on Mediation:
 - The Arbitrators Institute of New Zealand
- Family Court of Australia: Guidelines for Individual Intake Interview; Family Violence Policy Guidelines;
- New Zealand: Child Support Formula
- Australia: Child Support Formula
- Mediator's Heads of Agreement Letter
- Example: Information Form for a Mediated Agreement
- New Zealand: What Happens When Your Marriage Breaks Up
- Family Mediation Service Worksheet



FUNDAMENTALS OF FAMILY MEDIATION has two purposes:

- To provide people who have undergone training with hands-on advice as they enter family mediation practice and
- To provide directors of training programs with a text dealing with the "how-to" and context of family mediation so that trainees can concentrate on the knowledge skills necessary to practice successfully.

PUBLISHING FEBRUARY 1996

ISBN 1862872090 Paperback 318pp \$35.00

RECENT
TITLES

FAMCON '95
The 3rd National Conference on Family Mediation
"MEDIATION
THROUGHOUT THE FAMILY LIFE CYCLE"

CONFERENCE PROCEEDINGS

Edited by Linda Fisher, the Proceedings of the FAMCON '95 Conference **MEDIATION THROUGHOUT THE FAMILY LIFE CYCLE** held on 30 June/1 July 1995 contain 250 pages of the most up-to-date information on Australian family mediation practice and research issues.

These Conference Proceedings represent the **first collection of articles on family mediation published in Australia**, and cover issues such as:

- | | |
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| *Parent-Adolescent Mediation | *Women and Mediation |
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Telefax 06 844 3620

Telephone 06 345 6959

18 December 1995

The Manager
Australian Dispute Resolution Association
Box E468
NSW 2000

Dear Madam

Recently I read a booklet of yours: Mediation and Domestic Violence, and was very impressed by its high quality.

I am interested in training further in this field. Can you offer any advice here?

Please send me any information you might have.

Yours sincerely

Jacque Aldridge

R/J
- General discuss
- send Membership
- Price List
- last Newsletter
- Details on training course
- has UTS + A