



Australian Dispute Resolution Association Inc

PO Box A2468 Sydney South NSW 1235 Australia

12th August, 1999

Allan Parker,
Peak Performance Development,
P O Box 1483,
Darlinghurst, 1300

Dear Allan,

RE: LET'S TALK PROFESSIONAL CODE OF CONDUCT FOR MEDIATORS

The Let's Talk Group has been meeting regularly since March 1998. We enclose a copy of the "Let's Talk Report" from The Australian Dispute Resolution Association's (ADRA) 1998 Annual Report for your information about the group. Our first project was to develop a Professional Code of Conduct for Mediators. The next project we have planned is to begin discussions in relation to Competency Standards for Mediators.

We are now pleased to enclose our draft Professional Code of Conduct for Mediators. Our aim is to have the Code endorsed by ADR organisations. We would welcome your comments and suggestions prior to the finalizing of the Code for circulation. We would anticipate that ADR organisations subscribing to the Code would be identified on the document. We propose that the document may be used by these organisations and practitioners in the following way:

- as a commitment to ethical practice standards for professional conduct
- as an ADR Industry measure of ethical practice standards
- as a point of reference for consumers

We ask that you please forward your comments by **Monday 20th September, 1999**. We would like your suggestions on the following:

- the structure and the content of the document
- the proposed use of the document

We look forward to receiving your comments and thank you for your assistance.

Yours sincerely,

Val Sinclair

Please forward your responses by facsimile or by mail to:

'Let's Talk' C/- Val Sinclair - ADRA

P O Box A2468 Sydney South NSW 1235

Telephone : (02) 92315822 ADRA or (02) 92614077 Facsimile (02) 92613255

FACSIMILE TO: ADR LINK
Attention: Vanessa Richardson
FROM: VAL SINCLAIR
DATE: 9TH August, 1999
RE: "LET'S TALK"

Thank you for your interest in our "Let's Talk Group". We have been meeting regularly since March, 1998. We have had a very productive year. We have now finalised a draft Professional Code of Conduct for Mediators and our next project is to begin discussions in relation to Competency Standards.

At our last meeting we discussed your request to use the "Let's Talk" name for your Melbourne Group. The result of this discussion was as follows:

It was agreed that any group using the "Let's Talk" name would be expected to follow the same guidelines as our Sydney group.

1. Membership

Our criteria for participation in the group is that the member be a representative of an organization involved in the provision of ADR services.

2. The Nature of the Group

We would expect that the group share the same guiding principles. These are that the group is:

- representative of a wide range of ADR service providers
- non-proprietary; and
- non-competitive

That the aim of the group is to work together to discuss areas of mutual interest with a focus on tasks which benefit the ADR Community as a whole.

3. The "Let's Talk" name

We expect that any group using the name "Let's Talk" will agree that the name will not be used for any other purpose than those stated above.

We ask that you table these requirements at your next meeting. Should you be agreeable to form your group according to these same guidelines then we would have no objections to you joining our group and using the name "Let's Talk" – Victoria. We look forward to being advised of the outcome of your meeting and perhaps working together in the future.

Regards,

Val Sinclair

Val Sinclair

P.S. We would welcome comments from your group on our Draft Code of Conduct. Please advise if you would like us to forward a copy.

LET'S TALK VICTORIA

FAX

To: See Below From: Vanessa Richardson

Re: Lets Talk Meeting - Minutes Pages: 4
 Wednesday 13 October

Urgent

Please indicate your intention to attend by phoning 95981443

FAX NUMBERS OF LETS TALK MEMBERS

Margaret Chambers	9354 4414
Tony Elder	9621 2152
John Sloss	9885 1221
Geoffery Gronow	9205 2055
Nichole Arendsen	9620 7656
Mandy Doherty	(02) 6250 5911
Moiray Rayner	9417 1034
Mark McPherson	9281 7171
Val Sinclair	(02) 9261 3255
Georgina Gregoria	9608 7623
Maureen Garwood	9591 0550
Carmel Buccheri	9629 5250
Elise Simpson	9603 8355
Ian Hanger	(07) 3360 3338
Danny Crossman	9824 8434
Eileen Dethridge	9486 4338
Henry Von Bibra	9417 7821
Ross Fletcher	9696 3358
Vanessa Richardson	9598 6307
Bruce Turner	9662 4013
Winsome Thomas	9889 9902
Stephen Curtain	9642 5517

Jim Cyngler	9608 8846
David Bennett	9642 1224
Peter Condliffe	(07)3239 6284
Jackie Kefford	9628 9791
David Bryson	9628 1148
Susan Gribben	9205 9578
Michael Hunt	{
Alan Campbell	9555 1'65
Marie Garric	{
Robin Saunders	9853 7512
Tom Fisher	9479 1607
Sam Recht	9606 0882
Jo Schepis	9338 8219
Ernest Treagus (telephone)	0414 709150
Barry Jamison	9654 8250

LET'S TALK VICTORIA

INFORMAL NOTES OF THE MEETING OF
HELD AT THE OFFICES OF JAMISON ALLIOTT
ON MONDAY 23 AUGUST, 1999 AT 5.30 P.M.

PRESENT:

David Bryson -
Margaret Chambers - Student Post Grad.
Danny Crossman - VADR
Eileen Dethridge - VADR #.94864398. / Fax 94864398.
- Maureen Garwood -
Robert Huebel -
Barry Jamison - Accountant / Arbitrator.
Vanessa Richardson - ADR Link.
Winsome Thomas - Family Mediator
Henry Von Bibra - Lawyer Solicitor.

APOLOGIES:

Ross Fletcher, Bruce Turner, Geoffrey Gronow, Susan Gribben
Joseph Schepis, Carmen Buccheri, Sam Fiecht.

**PROFESSIONAL
STANDARDS:**

David Bryson was introduced and spoke to a paper he had
supplied on the ADR Standards Project. It is being conducted
by NADRAC who are advising the Commonwealth Attorney
General on standards for the provision of ADR.

David spoke of the main concerns in relation to the setting of
Standards and the problem that there are many and varied
Organisations whose thoughts were to be taken into account.

There was a long and interesting discussion about relevant
issues.

**LET'S TALK
- NSW :**

1. Vanessa Richardson spoke of her communication with Val
Sinclair of the Sydney group and tabled a letter in relation to
the Melbourne group using the same "Let's Talk" name, and
operating in a similar manner to the Let's Talk NSW model.

It was agreed by all members present that the guidelines set
down were acceptable to the Victorian group.

2. Vanessa is to write to Val Sinclair and advise her of the outcome of the meeting, and thank the Let's Talk NSW for their support and assistance. She will also suggest that we exchange minutes with them and that we send our comment regarding their Standards paper.
3. Danny Crossman and Vanessa Richardson will write to all ADR groups in Victoria inviting them to participate regularly in our meetings.

MAUREEN GARWOOD
- PAPER:

There was discussion in relation to the paper "Managing the Quality of ADR for Commercial Disputes".

Maureen spoke generally about the paper and it was agreed that this would be circulated and then discussed at the next meeting after a presentation by Maureen.

AGENDA - NEXT MEETING:

It was agreed that the Agenda for the next meeting be:

- Discussion and comment on the Let's Talk NSW Standards Paper.
- Maureen Garwood paper "Managing the Quality of ADR for Commercial Disputes" presentation and discussion in relation to Standards in commercial ADR disputes.

CLOSURE:

The meeting closed at 7.30 p.m.

NOTE - NEXT MEETING

- DATE** - Wednesday 13 October, 1999
- TIME** - 5.15 for 5.30 p.m.
- VENUE** - Jamison Alliott
 Level 41, 80 Collins Street
 MELBOURNE VIC 3000
- Telephone - Vanessa Richardson
 - 9598 1443

**National Alternative Dispute Resolution Advisory Council**

99/7634 CLD RG

7 October 1999

BY FACSIMILE: 02 9261 3255

Let's Talk
c/o Ms Val Sinclair
Australian Dispute Resolution Association
PO Box A2468
Sydney South
NSW 1235

Dear Ms Sinclair

LET'S TALK PROFESSIONAL CODE OF CONDUCT FOR MEDIATORS

Thank you for giving the National Alternative Dispute Resolution Advisory Council (the Council) the opportunity to comment on the Let's Talk draft code of conduct for mediators. The Council considered the draft code at its meeting on 16-17 September 1999.

The Council generally considered the draft code to be a good distillation of the existing documents outlined in the introduction to the code and decided that it was, therefore, likely to be useful and acceptable in a wide cross section of the mediation community.

The draft code is well set out and uses language that is easy to understand. The brevity of the document is also appealing.

The Council makes the following specific suggestions in relation to the code:

- (1) it would be preferable for the code to incorporate NADRAC's definition of mediation (and I **enclose** a copy of the Council's "ADR Definitions" paper for your information) in heading 1;
- (2) under heading 3 (appropriateness of mediation), note the omission of "to" in the sentence "Mediators have a responsibility not....";
- (3) Let's Talk might consider revising section 5 on "neutrality" (it is the Council's opinion that the text currently overstates the concept and does not make an adequate distinction between "impartiality" and "neutrality");

NADRAC Secretariat

Robert Garran Offices • National Circuit • Barton ACT 2600
Phone (02) 6250 6897 • Fax (02) 6250 3911

Professor Laurence Boulle (QLD) Chairperson • David Bryson (VIC) • Barbara Filipowski (NSW) •
Susan Gribben (VIC) • Associate Professor Kathy Mack (SA) • Richard Moss (ACT) • Bernadette
Rogers (QLD) •
John Steele (SA) • Warwick Soden (NSW)

- (4) the third dot point under heading 6 (conflicts of interest) is not an example, but could be incorporated as a sentence before the examples. The examples of conflicts of interest could include references to the mediator knowing a party through a prior advisory role or on a personal level;
- (5) the first dot point under heading 7 (competence) reads as though knowledge and skills are acquired through statutory requirements. It would be useful to make the link between statutory regulation and "appropriate" knowledge and skills - this would also clarify the reference in the third dot point to 'appropriate' standards;
- (6) it would be useful to expand section 8 on "confidentiality" ;
- (7) the second dot point under heading 11 (publicity and advertising) refers to "skills or competence", yet 'competence' is defined under heading 7 to include skills. It would be preferable for the document to be consistent in its use of the term 'competence';
- (8) under heading 12 (fees) the distinction between 'client' and 'parties' is not clear.

The Council would appreciate being kept informed of the progress of the code of conduct and your next project on competency standards for mediators. Once again, thank you for the opportunity to comment on the draft code of conduct.

Yours sincerely



Professor Laurence Boule
Chairperson