

DISCUSSION PAPER

Ideas for consideration by the 1998/99 ADRA Board of Management.

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As preparation for the first meeting of the 1998/99 ADRA Board of Management, I have given some thought to the future direction of ADRA. Writing the "Future Directions" statement for the ADRA Annual Report 1998 provided the impetus for considering how, in its 12th year, ADRA should grow and develop. I refer members of the 1998/99 Board to page 15 of the Annual Report 1998 for the genesis of the observations which follow.

I have also taken the opportunity to briefly review ADRA's Constitution. While the Constitution sets out in broad terms the objects of the Association, the Board of Management is charged with deciding what the annual priorities will be. Under the headings which follow I address some ideas relevant both to the structure and management of the Board and to the activities of the association over the next year.

Activities for 1998/99 Board

Ongoing Activities

ADRA has been successful in a number of areas in 1997/98, and the discussion below assumes that the following activities would continue:

- publication of *Mediation News*
- lunchtime seminar series
- one or more training events (such as Micheline Dewdney's Facilitation Workshop)
- participation in the 'Let's Talk' Group (arising from APBP)
- representations and submissions (eg to the Australian Law Reform Commission Review)

Student Essay Competition

Although the Student Essay Competition was not as successful in 1998 as it was in 1997, the concept is a useful way to both promote research and writing in ADR and provide material for the newsletter. It is suggested that the Board continue the competition but consider how better to attract interest amongst entrants.

Suggested New Projects for 1999

Conference

ADRA has established a pattern (a 'tradition'?) of holding a biennial conference. The last conference was in 1997, which suggests that a conference is due in 1999.

Visit to Australia by R Baruch Bush and J Folger

Folger and Bush are visiting Australia, and are conducting a training course (see attached copy of invitation). Given the amount of interest in transformative mediation, the limited numbers able to participate in the course and that ADRA has been asked to co-host the course (principally providing administrative assistance) it might be worth inviting Bush and Folger to participate in an event for ADRA members. For example, they might be prepared to speak (even briefly and informally) at a dinner function on the evening of 17 May (when they will have to be in Sydney for the course).

Occasional Papers

We have still not published the papers delivered at the 10th Anniversary Conference in 1997. Some excellent papers were delivered, particularly the paper by Adam Farrer (which generated some interest when mentioned in *Mediation News*, including enquiries from Tasmania and France). The concept of Occasional Papers has been discussed in the past and they would be a valuable tool to encourage a higher level of scholarship in ADR than is possible or desirable in *Mediation News*. If ADRA is to continue the tradition of hosting a biennial conference, it would be appropriate to produce an issue of the Occasional Papers containing the 10th Anniversary Conference papers (and others), then follow it up with an edition containing papers from the 1999 conference. The marketing of such new publications would also provide a vehicle for promoting sales of the remaining stocks of earlier publications (eg the DV booklet).

Part-Time Administrative Assistance

As indicated in the reports prepared by the Membership Co-ordinator and Treasurer, and as discussed in the "Future Directions" statement, the ability of the Board to increase membership and services is limited by its resources. As the level of activity has increased, so has the administrative workload; for example, associated with producing and distributing mail-outs to members, distributing newsletters, maintaining and updating membership records, processing new memberships and renewals etc.

The employment of an Administrative Officer would release Board Members from routine, time-consuming administrative tasks, and allow them to focus their energy and time on developing new initiatives, undertake a membership drive etc. Dedicated

administrative assistance will be especially valuable if the Board is to hold a successful conference in 1999.

It is recommended that the Board consider the employment of a suitably qualified administrative officer, initially for a few hours per week (eg 7-10 hours per week, to be worked flexibly). The employment conditions, requirements of the organisation as an employer etc. would be investigated prior to the Board approving the engagement of an employee. An interim/alternative option may be to engage a contractor. An option in the latter case would be to advertise the contract amongst members before considering other recruitment alternatives.

Premises

Currently the Association's various 'belongings' (records, archives, the 'library', stationery, stock of publications, banner and lectern sign etc) are stored at the homes of various Board members. Amongst the inconveniences this causes is the difficulty of getting stationery to the person/s doing a mail-out at any particular time. The membership database is on a Board member's home computer (outside metropolitan Sydney), thus labels for mailout's have to be 'ordered in advance'.

If the association is to enhance the efficiency of the organisation by engaging an Administrative Officer, this person will need a location to operate from, where all of the materials identified above (stationery, publications etc) are available, and where they have access to a computer (membership database), printer, telephone, fax etc. It is logical that this location should be one which is also accessible to Board Members wanting to avail themselves of the same materials or facilities when working on ADRA tasks.

It is recommended that the Board of Management research and obtain premises which can serve not only as a place of employment for an employee (if engaged) but as a contact point for enquiries (a telephone number/answering machine), as a location at which members can access the 'library', and (potentially) as a venue for board meetings, lunchtime seminars and other training and education activities. While the Association has some funds in reserve, cost is obviously an important issue, so options such as serviced offices, sub-leasing a small area from another organisation, and charity could be researched. A prudent approach would be to plan short term accommodation arrangements (6-9 months) and review the cost-benefit after that period. Such a review would ideally coincide with planning for the AGM and preparation of a submission to members for an increase in subscriptions.

With premises, a phone line and regular staffing in place, ADRA would be in a position to provide additional services to members and/or the community (for example: telephone enquiry service, referrals to mediators).

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Constitutional Review

At the AGM held in October, a resolution was passed requiring the Board to investigate the implementation of a different system of subscriptions (eg differential rates for different categories of membership). Such changes would require an amendment to the Constitution.

In the ten+ years since the Association's Constitution was approved there has been little if any review or amendment. Given the passage of time it is appropriate that the Constitution is reviewed to determine:

- if the Constitution accurately reflects the needs of the association, is clear and free of errors or ambiguities
- what actions the Board should be taking to meet the obligations of the Constitution (for example: clause 12 (1) (b) states:
"The Board of Management shall establish an Interstate Administrative Committee consisting of one ADRA member from each State."
but such a Committee has not been established, at least in the last 3 years)
- what amendments should be drafted and submitted to members for approval, to improve the Constitution and ensure it reflects the needs of the members of the Association in the next millennium

It is suggested that an investigation of a new fee structure be part of a broader review of the Constitution. Micheline Dewdney has indicated her willingness to be co-opted to a sub-committee to review the Constitution.

Structure and Management of the Board

Sub-Committee Structure

In my assessment, the sub-committee structure employed by the last two Boards of Management has been an extremely effective way of harnessing the limited resources of the Board and providing Board members with an opportunity to get involved in their preferred areas of interest or expertise.

I propose that the Board continue the Sub-Committee structure. Given the above discussion, the following sub-committees could cover the workload suggested above:

- Training and Education Sub-Committee (lunchtime seminars, training activities etc)
- Policy and Representations Sub-Committee (development of policy, review of papers and drafting of submissions, representing ADRA at meetings etc.)

- Conference Sub-Committee (project management of ADRA's biennial conference in 1999)
- Newsletter and Publications Committee (*Mediation News*, Occasional Papers, Student Essay Competition)
- Administration and Membership Sub-Committee (finance, expansion of membership, research and recommendation to the Board on premises and employment of part-time staff)
- Constitution Review Sub-Committee (to review the constitution, advise the Board and draft any amendments for approval by the membership)

Management of the Board

The following assumes that the Sub-Committee Structure is continued by the 1998/99 Board.

It should be noted that the Constitution stipulates at clause 12 (6):

"The Board may delegate tasks to committees and shall record the tasks to be undertaken and the date by which the sub-committee shall report to the Board."

The Constitution specifies the responsibilities of the President, Secretary and Treasurer at clause 12 (10) (a), (b) and (c). The Constitution goes on to state at 12 (10) (d):

"Any officer of the Association may delegate to another Board member any of that officer's responsibilities with the prior approval of the Board."

In fact, a number of responsibilities have been delegated. In order to comply with the Constitution (and in preparation for identifying and recording the duties to be carried out by a Board employee, if one is to be engaged), it is proposed that the new Board document the responsibilities of each office bearer and sub-committee, and formally approve the delegation of responsibilities, in accordance with the Constitution.

Sub-Committee Management

It is suggested that each Sub-Committee elect a convenor to co-ordinate the meetings of the sub-committee. The Convenor would also be responsible for providing a report to each Board meeting on the activities of the sub-committee. Sub-Committees ideally would be requested to keep minutes of meetings, particularly decisions made, so that there is a record in the event of enquiries from the Board or members.

Records Management

The Constitution states at Clause 11(7):

“Minutes of proceedings of General meetings shall be recorded and kept in a minute book”

and at Clause 12 (10) (b):

“The Secretary shall have responsibility for: (iii) recording meeting procedures and resolutions”

It would be helpful to all Board Members, and especially newly elected Board Members, if someone was to take on the task of going back through the Association's archives and collating all the minutes of Board meetings into a book/folder, and extracting from the Minutes, and separately listing, all resolutions of the Board (at least those which impact on the ongoing management of the Board). Not only would this make it easier for newly elected Board Members to get 'up to speed' on the recent history of the Board prior to their joining, it would provide a history of the Association, and save time by simplifying a check on what decisions have been made in the past (and potentially save time 'reinventing the wheel').

If sub-committees were to be requested to keep minutes, these could be added to the minutes book, creating an even more complete record of decisions made.

Conclusion

The suggestions and proposals discussed in this paper are offered as one Board Member's perspective on the direction ADRA should take in the next twelve months. My perspective is based on three years membership of the Board and owes much to my discussions with other Board Members both past and present.

I stress that these suggestions are put forward for discussion, and are intended to be simply a starting point for the Board's consideration of and decision-making on the future directions and plans for 1999.