

# THE BIRTH OF ADRA: PAST AND FUTURE VISIONS

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*This article documents the history of the formation of the Australian Dispute Resolution Association Inc, which celebrates its 10th anniversary in 1997. The recollections of members of ADRA's founding committee and first board form the background to an analysis of the rationale for the organisation's creation. The article considers how successfully the founders' visions for the organisation have been implemented and comments on some of the debates which have emerged over the last decade. The article concludes by exploring the visions of the founders of ADRA for the future of the organisation and dispute resolution generally in Australia.*

## The birth of ADRA

with thanks to  
Louise Rosemann

### Introduction

An historian might argue that the passage of a decade provides insufficient perspective to assess the influence of any event. From a sociologist's view, however, the interaction of people and events in a changing environment is worthy of consideration and analysis even as events happen. For the social historian, the key is in finding source material with which to establish a picture of the past, the events which had an impact on individuals and groups, the issues with which people were concerned and the way individuals impacted on the society in which they lived. The history of an organisation can shed light on the society in which it was established, and so deserves to be recorded.

As we mark the 10th anniversary of the establishment of the Australian Dispute Resolution Association Inc (ADRA) in 1997, it is timely to look back at the events which led to its establishment, the reasons why the founding members saw the need for the organisation and what visions they had for the future of the new association. After 10 years it is possible to evaluate the success of the association in achieving those initial expectations and, given that progress, consider how the organisation might best move forward into the next millennium. Ten members of the first committee and board of management shared their recollections of events in 1987 and their insights into the development of the organisation over the last decade.<sup>1</sup>

\* The author thanks those who were interviewed for their perceptive comments, fabulous memories, responsiveness to being asked for interviews at short notice and enthusiasm for the project. Gerald Raftesath was unavailable for interview because he was overseas and Janice Williams could not be contacted.

## In the Beginning . . .

Wendy Faulkes recalled that the idea of an association for mediators and other alternative dispute resolution practitioners emerged from informal contacts among individuals who "thought it was a good idea at the time". Wendy's interest in the concept of an association stemmed from her work with Community Justice Centres (CJC) in New South Wales, and she saw the need to bring together all ADR practitioners. It was the energy and persistence of those individuals, such as Wendy, Jennifer David and David Newton, which led to the creation of the Alternative Dispute Resolution Association of Australia Inc (ADRAA), renamed the Australian Dispute Resolution Association Inc (ADRA) in 1989.

For Jennifer David the genesis of the idea came at the first Australian mediation conference she attended in Canberra in 1986, which was hosted by the Australian Institute of Criminology. She remembered speaking with Wendy Faulkes about the need for an association of like-minded people. As Jennifer put it, "it was so new — everything we all did was so new at this stage . . . we needed a support group . . . where we shared ideas".

David Newton became interested in the idea of an association as a result of an overseas trip in 1986 during which he had looked at ADR, particularly in the commercial area. He was keen to set up an organisation modelled on the Society for Professionals In Dispute Resolution (SPIDR) in the United States, but rather than restricting membership to practising mediators David saw a role for a broader association of people interested in ADR.

Perhaps the impetus for the idea to get off the ground came when David Newton, first secretary general of the Australian Commercial Disputes Centre (ACDC), invited Jennifer David, then with the Faculty of Law at Sydney University, to work with him. Their mutual interest in the idea led to further discussion with Wendy Faulkes and by late 1986 the concept of forming an association had progressed to the point where it was time to assess the level of support among other dispute resolution practitioners.

Maureen Carter recalled that in January 1987 the first get-together was held to discuss the formation of an association. What was foremost in her memory was the enthusiasm and excitement that surrounded the discussions. She heard about the meeting through her role as an intake officer with the CJC in New South Wales. Like others, she had become convinced that mediation was a legitimate way to resolve disputes after seeing people go into mediation cynical and sceptical about the process and come out the other side "smiling". Her enthusiasm grew as she saw more and more positive results, to the point where she acknowledged that she and others were "evangelists wanting to spread the word". Linda Fisher similarly commented that there was "a feeling that we could conquer the world".

In response to the support demonstrated at that January meeting, arrangements were made for a formal meeting in April 1987 to establish an association. There was "quite a big audience", remembered Ruth Charlton, an audience which included people from a variety of backgrounds and occupations. The group included academics like Micheline Dewdney, then at the Macarthur Institute of Higher Education, whose interest in ADR stemmed from her work in Corrective Services, and Dr Sandra Regan who came to

ADR from her perspective as a lecturer in social work. There were solicitors who were interested in the application of ADR, among them Janice Williams, Ruth Charlton and Gerald Raftesath. David Newton, like Gerald, was starting to promote and provide commercial mediation. A number of the audience heard about the meeting through their involvement with the CJC in New South Wales, for example, Maureen Carter, Basil Evangelinidis and Linda Fisher.

Nominations were called for a committee to take charge of the establishment of the organisation and nine members of the fledgling association volunteered to take on the role. The composition of the first committee reflected the diversity of those present at the first meeting. They were Wendy Faulkes (President), David Newton (Vice-President), Linda Fisher (Secretary), Basil Evangelinidis (Treasurer), Jennifer David (Newsletter Editor), Ruth Charlton, Micheline Dewdney, Gerald Raftesath and Janice Williams.

By the time of the first annual general meeting of ADRAA on 2 October 1987, a constitution had been developed, publication of the *ADRAA Newsletter* had begun and plans for activities and functions were under way. The members of the committee were duly elected to the first board of management of ADRAA, as were Maureen Carter, Dr Sandra Regan and Alan McDonald, a CJC mediator.

Subcommittees were formed to carry out the aims of the association and focus on the areas of the newsletter, ethics, family mediation, membership and activities/functions. The extent of the progress made in just 12 months was evident in Jennifer David's editorial in the February 1988 issue of the *ADRAA Newsletter*. After reflecting on the diversity emerging in the growing number of dispute resolution programs in Australia, she went on to highlight the role that ADRAA was playing in addressing the issues arising from this expansion. The ADRAA family mediation subcommittee had commenced a survey of family mediation services in New South Wales and was making plans for a seminar. The ethics subcommittee had begun work on drafting ethical standards for mediators and other dispute resolvers, and the board was anticipating making submissions to the New South Wales Law Reform Commission inquiry into the need for training and accreditation of mediators. Jennifer concluded:

"So, mediation is thriving in the midst of healthy inquiry and search for ways to ensure the highest standards are maintained consistent with the freedom to innovate and develop this new area."<sup>2</sup>

## The Vision Then . . .

Why were so many people prepared to volunteer their time to set up an organisation such as ADRA? What were their visions for this "new baby"? What did they see as the role of the organisation and what issues did they see as relevant to the practice and development of dispute resolution?

The recollections of members of the ADRAA committee and the first board suggest there was a range of views on why the organisation was needed and what it should set out to achieve. David Newton felt the association should be "a meeting place for people interested in the field". Ruth Charlton saw value

in the concept of an umbrella organisation: "we all had an intense interest in the mediation field . . . the whole idea was to stop fragmentation and put us under one umbrella . . . united we stand, divided we fall." The concern about fragmentation was also reflected in the desire to see ADRA take a national focus. Linda Fisher "envisaged ADRA uniting Australia in dispute resolution" and providing a mechanism in a small nation to achieve cohesion. Maureen Carter felt the vision of a national organisation for providing networking and support was "not ambitious given the population".

Mutual support was a key issue for many of those involved in forming the association. Because mediation and ADR generally was so new, Jennifer David recalled that she and others in the vanguard were "all having to spend time persuading people to let us do it. Because it was so new we needed to know what each other was doing . . . to gain courage from each other." Those with an interest in mediation and other alternative dispute resolution processes were already working independently to overcome the scepticism of those in the legal profession, government and others who at that stage were unconvinced of the usefulness or wide applicability of ADR processes. In this climate, Maureen Carter saw a need for the new association not only "to advance the art of mediation" but "to try and support each other" in doing so.

Communication and information sharing was an agreed goal. For some the priority was promoting the spread of ADR through community education and the education of government, specifically through submissions to government inquiries and reviews. Ruth Charlton envisaged ADRA being "proactive in promoting the spread of mediation and exploring different types of mediation . . . to reach out [and] educate potential users".

For others, the primary focus was the education and development of members: sharing information, knowledge, experience and ideas. This was achieved through seminars and conferences, arranging guest speakers, sharing information on overseas developments and the different arenas in which mediation was practised. David Newton saw ADRA as "a social and educational association . . . somewhere to learn", or as Sandra Regan put it, ADRA had a role to play enabling "dispersed groupings" to share their experiences and knowledge "so we weren't reinventing the wheel".

There were, however, differences in the visions that board members and ordinary members held for how the organisation should develop. Although some thought the organisation should not take on the role of an industrial union, others felt that ultimately a professional association would be needed, and that, while not a short-term goal, ADRA could take on this role in the longer term.

### Standards and Accreditation: Perspectives from Then and Now

Another area of considerable divergence of opinion was in regard to expectations of ADRA's role in the area of standards and accreditation. In the

can recall little if any debate on the subject, perhaps because their interest lay in other directions or simply because, as Ruth Charlton suggested, "there is much more hot debate raging now". Another perspective was reflected in Jennifer David's comment that "to me it was always 'it's too early' — don't tie it down, let it grow".

Yet the debate ensued and centred on the merits of having recognisable standards at a time when there was accreditation of mediators in organisational settings, such as the New South Wales CJC, and increasing numbers of independent private practitioners who were unregulated. The arguments that there should at least be "set standards for mediation around Australia", if not some form of accreditation, and that ADRA should be playing a leading role in undertaking this work, was countered by the view of others not in favour of accreditation. This was particularly so in fields such as commercial mediation, where it was argued that market forces would sort out quality practitioners, and that ADRA should not seek to set itself up as an accrediting body.

Another dimension to the debate was added by those who considered there was value in having minimum standards for training, supervised practice and ongoing practical experience. However, rather than developing a powerful accreditation body with no capacity actively to check whether standards were maintained, or importing supervision models from other professional fields, it was argued that the approach should be to establish mechanisms for customer feedback.

As Alan McDonald diplomatically stated, "the history is that everyone has different views". Perhaps the only common theme in the various perspectives was the acknowledgment by many that the question of standards and accreditation could not be divorced from the issue of consumer education, and that the success of any strategy seeking to introduce some form of standards or accreditation would be dependent on publicity and education to ensure that clients had realistic expectations.

Most of the first board members acknowledged that questions of standards and accreditation and the role that ADRA should play have not been successfully resolved a decade later. Jennifer David pointed out that while the issues "have been addressed ad nauseum", consensus has not been achieved and consequently people have "become bored with the subject". In Linda Fisher's view, "apart from family mediation I don't know that much has changed". Wendy Faulkes believed that, while in general the issues may not have been handled well, in some areas it has been addressed quite well, but the result is a system which "is too messy at this stage".

Basil Evangelinidis was convinced that ADRA will only achieve broader appeal if it does take action on establishing standards. "Everyone's afraid of stepping on anyone's toes and saying we are going to set standards because a number of agencies already have their own standards." Basil considered long-term interest in ADRA will only be sustained if ADRA provides the professional protection to members which would necessarily flow from an accreditation scheme such as that which operates in professions such as law

Achieving a more cohesive approach will require both philosophical and practical concerns to be overcome. Micheline Dewdney recognised that the question of accreditation is never going to be an easy one for an "occupation" where people need a minimum of training but "most will only do it part-time if they're lucky". Nonetheless, a sense of dissatisfaction with ADRA's contribution is evident, perhaps best summarised by Alan McDonald's assessment of the situation:

"With hindsight, I think everyone put it in the too hard basket. There were lots of different views and persuasive people both for and against. The issue has been re-birthed by the changes to the *Family Law Act* and there is renewed urgency to do something about it . . . ADRA should say this is what we think should be done."

### Has ADRA Achieved its Founders' Visions?

Looking back, Linda Fisher saw ADRA's early years as a time when there was "a sense of feeling our way . . . a developmental stage . . . the first two years were optimistic, naive but fun". She noted that it was after the first two years that the name of ADRA was changed "in recognition that it was not 'alternative' and we didn't want to be seen as alternative". Linda acknowledged that while she "still thought ADRA could be Australia wide . . . the reality was SADRA [South Australian Dispute Resolution Association] and MAV [Mediation Association of Victoria] already existed". Basil Evangelinidis noted that while considerable effort was put into consultation with people in other States, particularly by David Newton, ultimately each State wanted to be autonomous.

Equally, the vision which some founding members held of an umbrella organisation encompassing the whole field of dispute resolution was not achieved. People like Basil Evangelinidis, Linda Fisher, Wendy Faulkes and David Newton lamented the slower-than-hoped-for growth of the organisation, and inevitably, the formation of organisations such as LEADR has drawn potential members from ADRA. Wendy Faulkes now questions: "can one organisation satisfy the diverse needs of mediators?" Ruth Charlton reflected that "the original vision of pulling in all the threads was not achieved, but ADRA could not have foreseen at the time that ADR was going to boom as it has into an 'industry' . . . the threads became more like an octopus".

The successes for ADRA have been in the area of professional development and education, information exchange and providing a support and contact network. The majority of people mentioned the range of conferences that ADRA has held over the decade and the important role they had played in providing opportunities for networking and learning. Jennifer David, for example, highlighted the role of ADRA's 1988 conference, "Culture's Consequences in Dispute Resolution", in raising awareness of that aspect of mediation in Australia.

Through the *ADRA Newsletter*, and later through *Mediation News*, produced in co-operation with the Mediation Association of Victoria and the South Australian Dispute Resolution Association, ADRA has contributed to

the exchange of information throughout Australia and overseas. In Linda Fisher's assessment, "the newsletter is terrific, real meat and real interest, and the association with the other States is tremendous".

The role of ADRA in developing the concept of a journal in the ADR field, and in approaching The Law Book Company Ltd (now known as LBC Information Services) to publish the *Australian Dispute Resolution Journal*, was raised by Ruth Charlton as another example of ADRA's leadership in the area of information exchange.

In summary, said Maureen Carter: "you always like to see organisations [get] bigger and better, but a lot of people have put a lot into it . . . and people have got a lot out of it."

And here lies the key to understanding the slower growth and development than was envisaged by the founding members. The achievements of the association over the last decade have relied on the efforts of scores of volunteers. Linda Fisher thought that ultimately it is difficult to achieve what ADRA has set out to do without employing someone to undertake some of the work of the association. Alan McDonald was simply delighted to see ADRA still in existence after 10 years when "a lot of things fade if they don't have huge successes to cheer on the volunteers".

### Visions for the Future: Looking "Beyond 2000"

What visions do the founding board members have for the future? What do they consider should be ADRA's priorities? Some suggested that it is now time for ADRA to reconsider the issues of standards and accreditation, while others disagreed.

David Newton's advice to the organisation was to continue those activities in which ADRA has been successful in the past: continue the conference program and general information meetings, and "seek to co-operate with MAV and SADRA" to encourage more cross-fertilisation on education issues.

Like the majority, Basil Evangelinidis considered that publicity and education has been directed at "talking to the converted" and that ADRA should focus more energy on community education. Wendy Faulkes suggested that ADRA should play an advocacy role in encouraging government departments to recognise the specialised training and expertise of mediators and the flexibility with which mediation can be used.

Jenny David believed there is more work to be done in the business community to spread ADR. She argued that "the skills to resolve disputes are what make all the new management practices work".

Basil Evangelinidis, Linda Fisher, Wendy Faulkes and Sandra Regan all expressed the view that the ideal goal was that training in dispute resolution should be targeted across the community, especially in schools. Wendy argued that changing the existing culture of conflict is only possible if "we teach people in schools and families the value of co-operation ahead of competition". Or in Sandra Regan's words, "if everyone got training in conflict resolution then we'd all be better off".

## Conclusion

Writing in the first issue of the *ADRAA Newsletter* in August 1987, Wendy Faulkes expressed her visions for the new association. After summarising developments to date in establishing ADR services and identifying the broad range of occupations using ADR techniques, Wendy concluded:

“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. The association will be able to promote effective use of ADR processes and, ultimately, promote standards of practice, teaching and research. The modern development of ADR may appear slow and reluctant, but those of us responding to requests for assistance or advice are convinced that ADR is poised for expansion, development and wide acceptance.”<sup>3</sup>

While ADRA has achieved success in fulfilling this vision over the last decade, Wendy's comments are pertinent today as a blueprint for ADRA during the next decade as the association approaches a more mature stage of development.

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## REFERENCES

1. Members of the founding ADRAA committee and the first elected board of ADRAA were: Wendy Faulkes (first President); David Newton (first Vice-President); Linda Fisher (first Secretary); Basil Evangelinidis (first Treasurer); Jennifer David (first *ADRAA Newsletter* Editor); Ruth Charlton; Gerald Raftesath; Janice Williams; Micheline Dewdney. Additional members of the first elected board of ADRAA were: Maureen Carter, Alan McDonald and Dr Sandra Regan.
2. J David, “Mediation — Thriving and Issues Proliferating” (1988) 1(3) *ADRAA Newsletter* 1.
3. W Faulkes, “Linking ADR Practitioners — President's Welcome” (1987) 1(1) *ADRAA Newsletter* 1.

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