

**ARTICLE FOR SUBMISSION TO THE
AUSTRALIAN DISPUTE RESOLUTION JOURNAL**

“The Birth Of An Association - 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. Profiles of a number of the individuals prominent in ADRA's infancy shed light on the consequences of the expansion of ADR within Australia for career opportunities. The article concludes by exploring the visions of the founders of ADRA for the future of the organisation and dispute resolution generally in Australia.

Introduction:

An historian might argue that the passage of a decade provides insufficient perspective to assess the influence of any event. From a sociologists view, however, the interaction of people and events in a changing environments 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 impact on individuals and groups, the issues people were concerned with, the way individuals impacted on the society in which they lived. The history of an organisation has the capacity to shed light on the society in which it was established, and so deserves to be recorded.

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 remembers speaking with Wendy Faulkes about the need for an association of like-minded people. As Jennifer puts 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 modeled on the Society for Professionals In Dispute Resolution (SPIDR) in the United States, but rather than restricting membership to practicing mediators 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 amongst other dispute resolution practitioners.

Maureen Carter recalls that in January 1987 the first get-together was held to formally discuss the formation of an association. What is foremost in her memory is the enthusiasm and excitement that surrounded the discussions. She heard about the

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 underway. 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.

Sub-Committees 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 is 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 ADRAA was playing in addressing the issues arising from this expansion. The ADRAA Family Mediation Sub-Committee had commenced a survey of family mediation services in NSW and was making plans for a seminar. The Ethics Sub-Committee had begun work on drafting ethical standards for mediators and other dispute resolvers, and the Board was anticipating making submissions to the NSW Law Reform Commission enquiry into the need for training and accreditation of mediators. Jennifer concluded:

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 recalls 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 enquiries 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 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 practiced. David Newton saw ADRA as “a social and educational association ... somewhere to learn”, or as Sandra Regan puts it, ADRA had a role to play enabling “dispersed groupings” to share their experiences and knowledge “so we weren’t reinventing the wheel”.

a leading role in undertaking this work, was countered by the view of others not in favour of accreditation, particularly in fields such as commercial mediation, who 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 to actively 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 states “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 dependant 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 ADRA should play have not been successfully resolved a decade later. Jennifer David points 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

Has ADRA achieved its founders visions?

Looking back, Linda Fisher sees 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 notes 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 acknowledges that while she "still thought ADRA could be Australia wide ... the reality was SADRA and MAV already existed". Basil Evangelinidis notes 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 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 lament 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 it was going to boom as it has into an 'industry' ... the threads became more like an octopus".

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 thinks 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 is 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 suggest that it is now time for ADRA to reconsider the issues of standards and accreditation, while others disagree.

David Newton’s advice to the organisation is 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 of others, Basil Evangelinidis considers that publicity and education has been directed at “talking to the converted” and that ADRA should focus more energy on community education. Wendy Faulkes suggests that ADRA should play 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.”²

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

References:

1. Jennifer David, “Mediation - Thriving and Issues Proliferating”, *ADRAA Newsletter*, Volume 1, No 3, February 1988, p 1.
2. Wendy Faulkes, “Linking ADR Practitioners - President’s Welcome”, *ADRAA Newsletter*, Volume 1, No 1, August 1987, p 1.