

BUILDING DISPUTES PRACTITIONERS SOCIETY

The Building Disputes Practitioners Society was formed in 1979. Its members include arbitrators, architects, barristers, builders, building consultants, engineers, quantity surveyors, solicitors and others having a direct or indirect interest in the resolution of disputes within the building, construction and engineering industries.

The objects of the Society are:

- a) To provide a forum for the discussion and consideration of problems affecting the resolution of disputes arising out of building, construction and engineering works.
- b) To advance the knowledge and expertise of persons concerned with resolution of disputes arising out of building, construction and engineering works.
- c) To advance reform in the law relating to resolution of such disputes.
- d) To promote justice in the administration of building, construction and engineering law.

Each year, as a means of furthering these objects the Society regularly holds seminars and meetings featuring eminent speakers on topics of interest to Society members. The Society also holds an Annual Dinner featuring a topical guest speaker. Membership of the Society is open to any person who has an interest in building, construction and engineering disputes.

Membership enquiries may be directed to the Secretary, Peter Megens of Wainright Ryan & Co, 534 Whitehorse Road, Mitcham, Victoria 3132 (Phone No: 03 874 7377, Fax No: 03 873 4984) or the Treasurer John Coghlan, Box 542, Blackburn, Victoria 3130 (Phone No: 03 878 2244, Fax No: 03 894 1725).

ADRAA CHANGES ITS NAME

The Alternative Dispute Resolution Association of Australia has changed its name to the Australian Dispute Resolution Association. This change has been made to reflect the view that dispute resolution methods such as arbitration, conciliation, mediation and expert appraisal are now part of the mainstream armory of dispute resolution techniques and should not be regarded as "alternative".

CODE OF PROFESSIONAL CONDUCT FOR ADRA MEMBERS

The Australian Dispute Resolution Association has developed the following code of professional conduct for its members:

1. Members involved in any aspect of dispute resolution must act with diligence, competence and fairness in the interests of persons they serve and maintain a standard of professional conduct.
2. Members must abide by the codes of profes-

sional conduct which apply to them as members of professions and occupational groups and by law, whether by employment or otherwise.

3. Members should co-operate to establish, develop and maintain standards of dispute resolution practice and the education, qualifications and performance of practitioners.
4. Complaints to ADRA about members will be referred to the member's professional body, employer or regulatory agency for disciplinary action.
5. The Board of Management has power under its Constitution to expel any member for proper cause.

- Reprinted with permission from the ADRA Newsletter.

DISPUTE RESOLUTION ORGANISATIONS

- Ruth Charlton

Earlier issues of the Newsletter have commented upon the development of dispute resolution organisations, which may be of some assistance to the construction industry, e.g. the Australian Commercial Dispute Centre's expansion to other States, the Institute of Arbitrators, Australia's development of training courses for and published lists of conciliators and mediators, the establishment of LEADR - Lawyers Engaged in Alternative Dispute Resolution-etc. Certainly, there has been a recent proliferation of organisations involved in dispute resolution. The construction industry tends to look to ACDC, the Institute of Arbitrators and to construction legal practitioners and experienced construction industry dispute facilitators for guidance and assistance in the selection and implementation of appropriate methods of dispute resolution.

In this brief article, Ruth Charlton, Editor of the ADRA Newsletter and Editor of the Law Book Company's Australian Dispute Resolution Journal, comments upon yet several more dispute resolution organisations, which may provide some services of interest to the industry.

The Australian Dispute Resolution Association is the national body linking all those with ADR interests and involvement Australia-wide. As well, other organisations cater for more local or specialised ADR interests, whether as service providers or membership organisations. The following may be of interest:

The Conflict Resolution Network, has its headquarters in Chatswood, NSW and was set up as a peace programme of the United Nations Association of Australia. It offers internal courses in conflict resolution together with an advisory service on all aspects of conflict management. The Network hires outsiders as facilitators for meetings

and runs in-house training courses within organisations and corporations. Drawing from the writings of Carl Jung and from Japanese Aikido techniques, it promotes the philosophy of resolving one's own conflicts first, through self-improvement and self-knowledge, thus enabling any violence or conflict from the environment or individuals to be resolved in a non-violent manner. Contact the Network on 02 419 9500 or 02 419 2720 for more details.

The Mediation Association of Victoria (MAV) was formed approximately three years ago to provide a forum for those involved, or having an interest, in mediation. Membership is open to interstate residents. Included in its activities are the running of workshops to share knowledge and skills among practitioners. Contact the Association at GPO Box 127A, Melbourne, Vic, 3001.

Mediation Association of Queensland. This organisation was formed in June 1989 by a group of lawyers, mental health therapists and conflict management practitioners. More formal developments are underway with plans for a constitution and implementation of the aims and objects of the Association. Contact Roslyn Lian, St Paul's Terrace, Spring Hill, Qld, 4004. Telephone 07 839 9144

South Australian Dispute Resolution Association. The inaugural meeting of SADRA was held in June 1989, its objects, among others, being the promotion of dispute resolution mechanisms in South Australia and the role of third parties in dispute resolution. Members include lawyers, academics, social workers, teachers, mediators, arbitrators, police and correctional service officers. Information can be obtained by contacting Dale Bagshaw, South Australian Institute of Technology, North Terrace, Adelaide, SA, 5000. Telephone 08 236 2399.

The Conflict Resolution Service of the ACT which offers mediation and conciliation services in interpersonal and intergroup disputes, initially operated from March 1989 on a trial basis. In July 1989, the ACT Government announced a provision of \$100,000 in the draft ACT budget for 89/90 to fund the Service. The first AGM in July 1989 ended with an invitation for people to become involved as members and to train as mediators. The first mediation training course has been undertaken and a second course is planned. Contact David Purnell, President, Conflict Resolution Service Inc, PO Box 337, Civic Square, Canberra, ACT, 2608. Telephone 062 54 1111.

The NSW Community Justice Centres, Department of the Attorney-General, are developing their training for outside organisations. Rather than providing an off-the-shelf training course, CJC personnel will develop an appropriate process and relevant training directed to the needs of the particular organisation, whether court-related or not. For further details contact Linda Fisher, Office of the Director, telephone 02 212 2526.

NSW LIBERAL GOVERNMENT SUPPORT FOR ACDC

The Australian Commercial Disputes Centre was established by the Wran Labour Government and that Government indicated that it expected NSW Government Departments and Statutory Authorities to support the Centre by using its services in the resolution of disputes.

According to an article in the Sydney Morning Herald on 1 September 1989, Mr Nick Greiner, the Liberal Premier of NSW, "determined to slash the Government's estimated \$11 million-a-year litigation bill", has ordered his Ministers and their departments to steer clear of the courts in favour of the Australian Commercial Disputes Centre.

Whilst the newspaper article describes this support as a second setback for the legal profession since Mr Greiner came to power (the other being the failure to restore full common law rights in workers' compensation cases), the Premier's actions in "strongly advocating the use of the Australian Commercial Disputes Centre" is understood to have been intended really as no more than a statement of endorsement and support for the Centre by the Liberal Government along the same lines as the previous Government's support.

The Premier's memorandum states:

"The Centre places emphasis on the inexpensive and speedy resolution of commercial disputes with strict confidentiality being maintained at all times.

Procedures used, particularly in mediation and conciliation, are flexible and can be tailored to suit the needs of the parties. In mediation and conciliation, differences between the parties can be resolved by pragmatic, business-orientated means, rather than by strict adherence to legal principles.

All areas within your administration should be encouraged to use the facilities and services provided by the Centre wherever possible so as to achieve settlement of disputes rather than by resorting to the court's system."

-JT

QUEENSLAND BAR ASSOCIATION LAUNCHES DISPUTE RESOLUTION SCHEME

The Queensland Bar Association has announced the introduction of a Dispute Resolution Scheme, designed to help disputants settle commercial and personal disputes outside the formal court system.

The President of the Queensland Bar Association, Mr Gary Crooke QC, said the initiative reflected the Association's belief that mediation and arbitration could play an important role, to complement the role of the courts which will continue to deal with most disputes.

The scheme is the first of its kind to be launched by any of the Australian Bars. It is a radical step for The Bar Association, which has never before advertised the serv-