

Message from the Chair



Welcome to our second IAMA Victorian Chapter Newsletter for 2005. The Chapter Committee is grateful to Robert Knott for agreeing to take on the demanding task of Newsletter Editor. It is a pleasant but daunting task for me to report to you after less than a month in the Chairperson's role. I have organised my comments and news under headings.

Chapter Committee

The Committee was elected for two years, so Committee Members elected in 2004 carry over into 2005/6. During the past year two Committee members have resigned:

Robert Longley (Treasurer) and Jon Kenfield (CPD Convenor). Our thanks are due to both of them for their commitment and hard work. I would like to extend particular thanks to Jon for his assistance with the provision of a venue for a number of our events. You will note in the following Chairman's report, presented at the AGM, that the Chapter Committee elected a new Executive at our meeting on May 23.

I would like to pay tribute to the outgoing Executive members, especially Andrew Kincaid (Chair) and David Thyer (Deputy Chair), who both made an extraordinary commitment in the past year. Andrew and David both declined nomination to Executive roles but will remain on the Committee.

Annual General Meeting

Andrew Kincaid presented his report on what has been a difficult year for the Chapter without its own Dispute Resolution Centre. The Chapter is still pursuing avenues for new, improved accommodation and Andrew has agreed to continue to manage these negotiations. Mr Justice Frank Shelton of the County Court presented Membership, Grading and Accreditation Certificates at the AGM.

Welcome to our new members; we look forward to your involvement and contribution.

Congratulations to members who have been successful in grading or accreditation applications. The evening concluded with an interesting presentation from Bruce Bramhill, Everest adventurer, who spoke to us at a breakfast event some time ago.

IAMA 30th Anniversary Celebrations

Members will be aware that 2005 marks the 30th anniversary for IAMA, and there are a number of events to recognize and celebrate this milestone. Those of us who attended the Symposium held in Canberra in late May were stimulated and inspired by the many excellent presentations. A number of exciting initiatives were announced at the Symposium, including a Corporate Membership Scheme, an agreement with the Australian Seed Federation to nominate IAMA for Dispute Resolution and a proposal from National Councillor Ian Bailey for Concise Dispute Resolution Rules. For those of you who were not able to get to Canberra, forthcoming editions of the National Newsletter and the IAMA Journal will include information about the Symposium and transcripts of key presentations.

On July 5, the Tasmanian sub-branch of the Chapter held its 30th Anniversary dinner in Hobart, which was attended by National Councillors, the CEO, the Executive Assistant, Elisabeth and myself. Victorian Chapter members were encouraged to attend if they were in Tasmania at the time. The Victorian Chapter 30th Anniversary dinner is scheduled for September 2. We are planning an elegant event with a number of eminent guests of honour. Please ensure you put this date in your diaries now.

Message from the Chair continued

CPD Events

Attendance at some CPD events has been a little disappointing this year and we have cancelled or rescheduled some events for want of numbers. Can I urge members to support your professional organisation by attending as many events as possible; we rely on you to assist us in extending networks and remaining financially solvent. It is also useful for our planning if you are able to give Elisabeth some notice that you will be attending, although of course we do not wish to discourage late enrollments.

I would like to draw your attention to two important CPD events. The first of these is the Arbitrators' Master Class, which has been rescheduled to Saturday August 6, and will be facilitated by Dr Clyde Croft SC and our President Tim Sullivan. Grade 1 and 2 Arbitrators are required to attend a Master Class every second year to maintain accreditation. We have decided to open up the Master Class to Grade 3 Arbitrators on an observation basis. Please contact Elisabeth if you are interested in attending. The second event is the Expert Witness Workshop, now scheduled Friday and Saturday August 19-20 and also Chaired by Dr Clyde Croft SC.

Mediation News

Breda Annesley, who has so ably convened the Mediation Practice Discussion Group, will be leaving us to work overseas. I would like to record the Committee's appreciation of Breda's commitment and hard work. The MPDG has been a great success and we hope to see this continue into the future. We are looking for a Convenor to succeed Breda. If you have the time and interest, please contact me.

Members will be aware that the Magistrates' Court has introduced an External Mediation Services Program, which includes IAMA as a provider. To date we have had one request for a mediation nomination through this scheme. When mediation becomes compulsory for litigants, we are expecting many more requests for nominations.

We will be writing to you to ask for expressions of interest in being on a list of mediators to be nominated for this work. We are developing a CPD training event for members interested in these nominations.

Our second Professional Practitioners' Mediation Course is scheduled for August. Conveners Danielle Huntersmith and Penny Webster are interested in expressions of interest from experienced mediators who can act as coaches in this and subsequent courses. A coaches' workshop is scheduled for July 29. While the remuneration is modest, coaching is one way in which members can support trainee practitioners by passing on their skills and experience. Please contact Danielle or Penny if you would like to be involved. Joyce Marshall and Angela O'Brien have piloted a one-day mediation training package for HR professionals interested in using mediation skills in the workplace. The program is being refined and will be marketed as an IAMA training program.

Adjudication News

David Thyer reports that we are still waiting to hear from the Building Commission about the pending amendments to the Building and Construction Industry Security of Payments Act. When the Act is amended we will conduct an updated Certificate in Adjudication for existing adjudicators to become re-accredited and for members wishing for initial accreditation. In line with what happened in New South Wales, we expect a significant increase in nomination following the amendments to the Act. The next Adjudication CPD event will be held on July 20 when the Adjudication Subcommittee will update members on the Act.

Arbitration News

We are aware that many Grade 3 Arbitrators are finding it difficult to maintain their skills through arbitrations or pupillage. We are looking at developing an exciting new pupillage scheme and will be writing to members to ask if you would like to be involved.

Angela O'Brien
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Last Year's Chairman's report



Chairman's Report presented at the IAMA Vic Chapter Annual General Meeting on 1st June 2005

1. Premises

Just prior to Christmas 2003 the Victorian Chapter was required by the Supreme Court to vacate its premises at 450 Little Bourke Street by 31 March 2004. Little opportunity was therefore available to identify an alternative venue and address the range of matters required to be considered before a commitment could be made to another location.

The Victorian Chapter Committee remains of the view that if IAMA as a national body is to continue to have a competitive presence in the Victorian market, it must have a commercial DRC in Melbourne. The Executive Committee of Council has also expressed its unqualified support for the establishment of a commercial DRC by the Victorian Chapter provided a suitable business case can be made.

The premises sub-committee set a target date of January 2005 for the establishment of new Victorian Chapter premises, with a commercial DRC, but that was not able to be achieved.

A gratifying development occurred in November last year when, in conjunction with a proposal to establish premises at Little Collins Street, Melbourne, a number of our Chapter members gave or pledged a little under \$18,000 for the purpose of funding expected re-establishment costs.

There are a number of DRCs in Melbourne, which will be competing against the proposed IAMA premises. The gap between commercial lease costs and expected revenue from a DRC, assessed on a conservative basis, is presently thought to be too great to warrant the entry by IAMA into a commercial lease for a DRC.

The Committee has therefore recently resolved, subject to appropriate commercial terms being agreed with the company managing the County Court premises, to enter into what is seen as an intermediate arrangement to locate our Chapter office within the those premises. This would involve the Chapter office being located on the 4th floor of the complex, with access to a range of rooms being afforded to our arbitrator and mediator members who

will be encouraged (but not required) to conduct their hearings there.

I am very excited about the prospect of the Chapter conducting its business in what I believe is an architecturally stunning Grade A building, in the heart of the legal precinct where, I am sure, there will be better opportunities offered for a closer relationship with the County Court (and the Courts in general) for special references. It will go some way to the establishment of a "beating heart" location for the Victorian Chapter, and will compare most favourably with the Chapter's present accommodation.

2. Membership

David Thyer is Membership Convenor. He reports each month to the Committee on Associate Membership applications, accreditation and grading applications, regrading applications and pupillage. Would any member having anything to raise in regard to any of these matters please contact David in the first instance. Corporate membership is now offered by IAMA. I am sure that the benefits to organizations offered by this new category of membership will result in increased membership and CPD revenue being received by the Chapter. I would request that all members make themselves familiar with this new category of membership by obtaining a flyer from Elisabeth Siecker. The Chapter looks to its members to spread the word concerning the benefits of individual and corporate membership.

3. Adjudication

The *Building and Construction Industry Security of Payment Act 2002* came into effect on 31 January 2003. The Victorian Chapter of IAMA is an "authorised nominating authority" under the provisions of the Act.

The New South Wales legislation was introduced in 1999 with only a limited number of adjudications being conducted in the first few years of its operation. Following a review by the NSW government in 2001 amendments were made in 2002, which substantially improved the operation and enforceability of the adjudication process. This has led to a marked increase in adjudication applications in New South Wales. I understand that the Victorian government is considering similar amendments in relation to its Act. The increased marketing of IAMA

Last Year's Chairman's report continued

Victorian Chapter as an authorized nominating authority to the building industry will be the biggest challenge facing the Victorian adjudications sub-committee if and when the desired statutory amendments are made.

A National Adjudication Sub-Committee exists under the Chair of IAMA President Tim Sullivan. It includes Steve Gunn and Lawrence Reddaway of the Victorian Chapter.

I am grateful for assistance given by Lawrence Reddaway, Steve Gunn, David Thyer and Saul Rozenbes for their contributions throughout the year in maximising the potential for Victorian Chapter members to share in adjudication work both current and potential.

I am confident that the Victorian Chapter will become a foremost authorized nominating authority. It is also intended for the Chapter to become a prime training authority for adjudicators. A further course will be held in August or September, subject to the proposed legislative amendments being enacted. I encourage our members to attend the course, which should broaden the pool of adjudicators. Given the short time limits imposed upon adjudicators in regard to rendering an adjudication, I have incurred many instances of an adjudicator being willing but are, as a practical matter, simply not available to accept a nomination as adjudicator.

4. Continuing Professional Development

CPD events continue to be listed on IAMA's website.

Jon Kenfield assumed the role of CPD co-ordinator towards the end of last calendar year.. The Committee's thanks is especially extended to Jon and his sub-committee for the interesting range of events in the current programme.. The importance of a bustling CPD programme to the fortunes of the Chapter cannot be overemphasized.

I particularly thank the senior arbitrators and mediators who have so willingly devoted large slabs of time to making presentations, and generally supporting the work of the Committee and the Chapter.

John Rundell has recently accepted the Committee's invitation to assume the most important role of CPD co-ordinator from 1 June 2005, for which we are

grateful. He will be "hitting the ground running", with the coordination of the Chapter's first expert witness course, which promises to be a regular feature on our CPD calendar.

Chapters are now required to produce their CPD programmes in August for the following year. This will also enable budgets to be better prepared by Chapter Treasurers, also in August, in reliance upon known anticipated CPD events. With this in mind, last year I asked if any member wish to suggest a particular topic, or anything else which might add to the CPD experience. No-one came forward. I ask again for your assistance in this regard. I am sure that each of you has many excellent ideas that may not be thought of by the CPD Committee.

5. Social

The Committee has also held two enjoyable occasions in August last year and March this year and April this year at *Black Ruby's* Restaurant in Carlton where members have come to know each other better.

The Annual Dinner held in December at the Victoria Barracks (at which Di Bretherton, Director of the International Conflict Resolution Centre was guest speaker) was also a memorable occasion.

I do encourage those Members who are perhaps lesser known to the body of members to come forward on these nights. Although we are members of a professional college, there is no doubt in my mind that we also have an enjoyable social bond, which benefits from regular stimulation by way of these events.

The welcome return of Bruce Bramhill, who will be providing us this evening with a further instalment of his Everest assault, is another example of the enjoyment we all share in hearing about subjects from "left field".

6. Regional Members

It has become apparent during that process that many of our regional members feel (with some justification) that their opportunities to undertake CPD activities are considerable lessened by being located out of Melbourne. I will take this issue up with the National EPD Committee in order to ascertain whether this problem can be addressed. The Committee intends to meet in a regional centre later in the year. Perhaps this

Last Year's Chairman's report continued

can be used to further explore this issue with our regional members. It is likely that one of Geelong, Ballarat or Bendigo will be the chosen venue. I would be grateful if one or more of our regional members could telephone me in order to provide their views in respect of this issue.

7. Arbitration Business Development

I have been convening a small group with regard to formulating a new set of arbitration rules to reduce the length of hearings and associated costs. I have mentioned this in my columns in the National and Chapter newsletters over the last year. IAMA is naturally concerned to ensure that it has a viable alternative arbitration product to litigation (going beyond the current Expedited Rules). I believe that this issue was the subject of an excellent paper delivered by Ian Bailey SC at the Canberra conference last weekend. Once it has adopted one, business development can confidently proceed.

8. Mediation Business Development

One of the most encouraging developments has been the convening of a mediation discussion group. I understand that the convening of the group will be shared around those members of the group keen to do so. I see the group as not only having a skills development charter, but also to assist the Committee in identifying business opportunities for our mediator members.

Our appointment to the Magistrates' Court panel of mediators is a welcome achievement of the Chapter for the benefit of all our mediator members wishing to conduct mediations. All mediator members will be provided with further information concerning this development within a short period.

We are also reliant upon the body of our members to advise of any opportunities to submit tenders for mediation opportunities.

9. Nominations

In keeping with revised national policy concerning the provision of details of nominations to the members details of nominations made during year from 1 July 2004 to 1 June 2005 were available to those attending the AGM, and are otherwise available on request.

Some of you will have observed that I have adopted what appears to be a policy of multiple appointments in the nominations, especially adjudicators. That is because I have taken the view that if for any reason an appointment or reference does not proceed beyond nomination, then the person nominated ought to be provided with another opportunity to conduct a hearing or adjudication.

10. Chapter Publications

Robert Knott has assumed the role of Editor of the Chapter Newsletter... I trust that you enjoyed the 4 issues to date as much as I have. The next edition will probably be comprised of this Report, for the benefit of members who were unable to attend the AGM.

I also thank Elisabeth Siecker and Jon Kenfield for producing a striking form for our mailouts. We are indeed more corporate than before.

11. Tasmanian Sub-chapters

Our developing relationship with the Tasmanian Sub-Chapter continues. I conducted a CPD session there last September and greatly enjoyed meeting Craig Doherty and other members of the Tasmanian sub-chapter.

12. National Conference May 2004, Sydney.

A good contingent of Victorian members attended the annual conference held in Canberra last weekend. I was unable to attend the conference this year. It is by attending the Institute's annual conference (and this one was apparently no exception) one is forcefully reminded of the fact that we enjoy all the considerable benefits of being Australia's pre-eminent *national* ADR body, and all the strong marketing benefits that go with that. The quality of the papers delivered at the conference, and subsequent discussion, was of a very high standard. For these reasons I commend next year's conference to each of you.

13. Chapter Office

Elisabeth Siecker has continued to perform as Chapter Administrator throughout the year. Elisabeth is a much valued member of staff, dealing with a sense of humour and commitment with all the events that befall an organisation guided by a committee of honorary members.

Last Year's Chairman's report continued

14. Make-Up of Chapter Committee

I remind members that the last Members' election resulted in the following members being appointed to the 2004-2006 Victorian Chapter Committee:

Danielle Huntersmith
Angela O'Brien (*also National Councillor*)
Jon Kenfield
Lawrence Reddaway
Andrew Kincaid
Ken Stout (*ex officio as IAMA National Honorary Treasurer*)
David Thyer
Robert Longley
Joyce Marshall

At the Chapter Committee meeting, held in June 2004, Angela O'Brien resigned from her position as an elected member of the new Committee, thus leaving a casual vacancy on the Committee. The position was filled by Penny Webster, who was next in line based upon votes she received at the recent Committee election.

Robert Longley resigned from the Committee in January this year, having taken up a position in Thailand, and I thank Robert for his commitment to the role over the last few years. I am grateful also for the energy and enthusiasm of Penny Webster who took over the role of Honorary Chapter treasurer after Robert's departure.

Casual vacancies on the Committee have also been filled during the year by our members Hon Neil Brown QC and Michael Sweeney. I have already mentioned John Rundell's appointment as co-opted committee member to take effect from today, and his future role as CPD convenor.

15. Declaration of Chapter Committee Office Bearers 2005-2006

Executive Positions of Chapter Committees are elected every year. A new Chapter Committee Executive has been elected, comprising:

Chair	Angela O'Brien
Vice Chair	Neil Brown QC
Honorary Secretary	Joyce Marshall
Honorary Treasurer	Penny Webster

Andrew Kincaid
Douglas Menzies Chambers
1 June 2005

A Member's commentary on the AGM

VICTORIAN CHAPTER ANNUAL GENERAL MEETING

The day dawned cold and overcast on Wednesday 1st June (often labelled incorrectly as the first day of winter). Members could have been forgiven for ignoring the alarm clock and sleeping in. So it was just as well that the Chapter AGM was not scheduled to begin until 6 p.m.

By that time a (mostly) well-dressed crowd of perhaps sixty members and staff had gathered in the warm meeting room of host Jon Kenfield and were partaking of refreshments after a full day of overseeing matters arbitral, mediatorial and adjudicatory.

Outgoing Chairman Andrew Kincaid began formal proceedings by presenting his report on the 2004 year. The major "matter or circumstance significantly affecting the activities of the entity", as so many annual reports pompously put it, was the need to vacate our comfortable

premises and the subsequent shoe-horning of the Chapter office into smaller premises and the loss of its hearing rooms. Andrew reported the prospect of an arrangement with the manager of the County Court building.

Andrew was also excited at the imminent amendments to the *Security of Payment Act 2002*. Similar amendments in NSW had dramatically increased the number of adjudications.

New member of the Chapter Committee The Honourable Neil Brown QC interjected to thank Andrew for his welcoming attitude and bonhomie. Other new Chapter committee members are Michael Sweeney and John Rundell.

Treasurer Penny Webster presented the Profit and Loss Report. She explained that its rather red bottom line was due to a number of factors, primarily some large

A Member's commentary on the AGM Continued

invoices from the previous year, loss of revenue due to the significant circumstance previously mentioned, and falling numbers in the National Mediation Course. The Committee is looking at ways to ensure that such a loss is not repeated.

County Court judge and Honorary IAMA Fellow His Honour Judge Frank Shelton then made some presentations:

Associate Members: John Bassett, Robert Durbridge, Michael Earwaker, Oslem Susler, Louis Vatousios, Sandra Hawker, Richard Lightfoot, Christopher Loorham, Susan Martin and Nicholas Rudge.

Members: Donald Charrett, Malcolm Ferrier and John Rundell

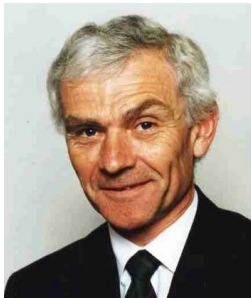
Mediators: Neil Brown QC, Michael Sweeney and Louis Vatousios

Arbitrator Grade 3: Michael Sweeney

Arbitrator Grade 2: Neil Brown QC

Arbitrator Grade 1: Jon Kenfield

A member's reflections on recent Continuing Professional Development Seminars



These notes are to let members know of the benefits, as I see them, of the excellent seminars that first class facilitators have taken the trouble to prepare and conduct, but on which most members are missing out.

Not only are the seminars a chance to meet and have something to eat and drink with other members, I think they are of very real benefit in professional development as mediators and/or arbitrators.

The Mediation Practice Group "Key Stages of Mediation" seminars gave those attending the benefit of the practical mediation experiences of the first class mediator/facilitators in relation to each important key stage of mediation, and also provided helpful tips from the experiences of the other mediators attending. From my point of view, although I have had over ten years experience of attending litigation dispute mediations, some conducted by excellent lawyer mediators, and as a mediator myself, the seminars have given me new perspectives and methods of experienced non-lawyer mediators. Some new ideas are obviously applicable and helpful to my own mediation practice, and other ideas, new to me, at least make me think whether they could be helpful, possibly with modification, and if not, why not?

Angela O'Brien then introduced our guest speaker Bruce Bramhill. Bruce had spoken to the Chapter 18 months previously about his preparation for scaling Everest. He now reported on how the expedition went, with spectacular photos and anecdotes to illustrate the amazing high country and the difficulty of conquering it. We saw a dog that almost slide into a crevasse, tents perched on the edge of a cliff, learned that it can take a couple of hours to get dressed at high altitude and heard of the wonders and difficulties of such an expedition. Bruce's motto is not "just do it" rather "do it now".

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The limitation of your own experience is a danger to your practice development. Two recent articles in the Arbitrator & Mediator, April 2005 (Mediation as Part of Legal Education: the Need for Diverse Models, at p1,) and (Preparing for Mediation: Lawyer and Client, at p 55) warn of that danger and of the risk of presumption as to the style or model of mediation. Sharing the practical experiences of mediators with differing styles and from different professional backgrounds is obviously more beneficial than just reading about them.

Again with the Arbitration Practice Group Award Writing Seminars, we benefited from the practical exercise of writing our own awards and the constructive criticism of our classmates, as well as the expert and experienced guidance, advice and provocative challenges to our assumptions from Tony de Fina. On reflection, he might be right (about some judges).

I have enjoyed and benefited from the seminars I have attended and I think the other members attending have done so too.

If you are not participating, why are you missing out? Do you know it all?

John Nunns Arbitrator and Mediator
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Another member's reflections on a continuing Professional Development Seminar



Generating Options and Crafting Solutions

The stimulating discussion of the May meeting of the Mediation Practice series was led by Jon Kenfield, Chief Executive Officer of The Solutionist Group. Jon noted that for many of his mediations and other facilitative processes his Group draws on the ideas of both Roger Fisher (the Harvard model of interest-based negotiation) and Dr Edward de Bono's *Six Thinking Hats*.

Jon also referred the group to de Bono's book *Conflicts: a better way to resolve them*, which propounds a model similar to that used by The Solutionist Group, where the mediator is 'neither judge nor negotiator but a creative solution designer'. The Solutionist Group uses its own proprietary CONSEPS® methodology (**CON**scious **SEP**arate **Stages**) to *analyse* problems and *synthesise* solutions in creative and strategic ways.

According to de Bono:

The White Hat calls for information known or needed. "The facts, just the facts."

The Yellow Hat symbolizes brightness and optimism. Under this hat you explore the positives and probe for value and benefit.

The Black Hat is judgmental and risk averse - the devil's advocate or why something may not work. Spot the difficulties and dangers; where things might go wrong. In some ways the most powerful of the Hats (and the one most instinctively familiar to lawyers!), but also one that generates major obstacles to achieving consensual resolution to disputes when overused.

The Red Hat signifies feelings, hunches and intuition. When using this hat you can express emotions and feelings and share fears, likes, dislikes, loves, and hates.

The Green Hat focuses on creativity; the possibilities, alternatives, and new ideas. This hat generates opportunities to develop alternatives and options, through exploring new concepts and new perceptions.

The Blue Hat is used to manage the thinking process. It represents the

control paradigm that helps participants to utilise the Six Thinking Hats® guidelines and processes.

It was clear from the group discussion that IAMA mediators feel that the mediator has to wear the Yellow, Green and Blue Hats throughout a mediation process, and that they should use White, Red and Black hats, at their discretion, at different stages in the process.

The four stages of the CONSEPS® mediation model for problem analysis and problem solving, as used by The Solutionist Group, were:

Identification of the dispute or problem to be resolved: information is gathered, without any value judgements, and all the points said to be at issue are explored thoroughly, to provide a sound basis for the subsequent steps.

Evaluation of the different elements of the problem: the strands of the problem are separated out from each other, the people issues are separated from the problem issues, the quantity and quality of the information is analysed.

Option generation: an agenda of both general and specific issues is created and it is agreed by the parties that if these issues are resolved the dispute will be resolved. Facilitated brainstorming processes are used to generate options and alternatives that could become solutions.

Solutions: crafting the preferred options developed in [3] into solutions. Reframing and recording the selected and agreed options into an agreement.

Stage 1 is the White Hat stage. In the discussion we discovered that some mediators like to use the Red Hat in this stage by inviting the parties to tell their side of the story of the dispute. Often, the opportunity to express disappointment or anger with the way things have turned out provides the mediator and the other party with information they may not otherwise have been aware of.

In Stage 2, the parties evaluate the relative importance of the various elements of their problem. At this stage, Jon said, The Solutionist Group asks the question 'So what? Is the issue in dispute and/or the relationship that underpins it, worth resolving?' This invites the parties to take a step back from the detail of what they have been discussing and look at the bigger picture. They have an opportunity then to weigh

Another member's reflections on a continuing Professional Development Seminar continued

up whether and how they want to go further with the process. At this point the mediator can encourage 'reality testing', by helping the parties to look at the alternatives to settling the dispute now. Exploring the negative impact of not settling – a costly legal battle, for example, can serve to focus the parties' minds on finding ways forward through the present process. There is a little bit of Black Hat, before the Green Hat is put on to brainstorm all the options the parties can think of, without making any judgements about which are the preferred ones. The group discussed the importance of the open-ended, non-judgemental brainstorming session in the third stage, in order to free up the creativity of the parties to generate solutions.

It is only in the final stage that the Black Hat really comes into play, when the parties decide which are the preferred options for resolving the dispute. But for the mediator it is necessary to keep the Blue, thinking Hat on tightly, as s/he guides the parties through the tricky path of checking the value and reality of the various options, their viability and suitability, their durability and their acceptability, or 'Yessability'.

I personally found the combination of de Bono's thinking tools and the more traditional mediation approach to be interesting and useful, and the group discussion was likewise positive.

The name of The Solutionist Group reflects a philosophy and practice that is at the further end of the spectrum from Transformational Mediation, which focuses on improving the interactions between disputing parties through fostering mutual recognition and empowerment. A solution might be generated through the improved interaction of the parties with the Transformational Mediation approach, but it is their relationship that is important, not the solution *per se*.

It seems from the discussion, however, that many mediators in Victoria both practise a solution-oriented approach to mediation and appreciate the crucial importance of generating recognition by the parties of each other's positions and needs and the resulting empowerment in order to resolve the conflict. As was pointed out by several members of the group, at times, recognition of the other party's needs will sometimes resolve, or mostly resolve, a dispute. Of course there are disputes that are resolved without any improvement in the relationship of the disputing parties, but more often in the experience of many mediators, it is the detail of parties' mutual working on ways to resolve a conflict that will generate an improvement in their relationship.

Sandra Hawker May 2005
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Sandra, a qualified conciliator with the Federal Human Rights Commission and the Australian Commercial Disputes Centre, is in the process of becoming accredited mediator with IAMA.

A message from the Treasurer



Further to the Treasurer's report presented at the AGM, I am now in a position to advise that the Victorian Chapter is very pleased to announce that we are currently trading with a small surplus. However, last year was not a good year for the Victorian Chapter financially. Leaving the rooms at the Supreme Court in January 2004 meant a huge loss in net income, over \$25,000, a loss, which the Committee had not envisaged.

Taking into account a number of large 2003 invoices presented in 2004 our trading loss for 2004 was \$63,398. This included a total loss in revenue, of nearly \$40,000, attributable directly to losing access to the Supreme Court rooms.

It also included a reduction in revenue, of nearly \$23,000, from the National Mediation Course primarily because of lower enrolments per course. The Victorian Committee recognizes that this loss is completely unsatisfactory and is working diligently to minimize the risk of such a loss occurring again.

There has been a review of the National Mediation Course, including a financial analysis and review of venues and advertising strategies. The Course will now only be run when there are more than 15 enrolments. This strategy of checking the financial viability of events prior to them being run will mean that if there are insufficient enrolments to

A message from the Treasurer continued

ensure that the Chapter breaks even an event may be cancelled.

The Victorian Chapter is working closely with Andrew Hased, National Finance Officer, to ensure that all invoices and accounts are attended to promptly and posted to the correct item. The Committee receives Profit and Loss Statements prepared by Andrew at the end of each month. It is also intended to make some small adjustments to the Chart of Accounts to enable each State Committee to run job activity reports regularly. You will also notice that we will be more diligent in following up outstanding accounts for CPD events and nominations and your assistance with prompt payments will be appreciated.

The Victorian Chapter is pleased to welcome David Windlow who will be working with us on Fridays. David has extensive experience in managing large budgets and is familiar with the workings of not-for profit organisations. He will oversee the Chapter's financial reporting activities.

I understand that individual members may be concerned about the Victorian Chapter's financial position. Copies of each month's P&L are available and I am more than happy to answer any questions or hear any suggestions you may have. You can email me directly on pjwebste@bigpond.net.au

Penny Webster IAMA Vic Chapter Hon. Treasurer

Message from the editor



This edition of the newsletter is intended primarily to serve those who were unable to attend the AGM and other events.

Members will be pleased to know that the Adjudication update on Wednesday 20th July was a great success with more than 30 participants. There will be a full report in the next newsletter to be published early in September.

Other future newsletters are planned to include Case Notes, Book Reviews and Reports on events of personal or general interest, Obituaries, Congratulations etc.

Contributors are requested to send copy direct to the Editor:

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