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Editorial

Laurence Boulle

Bond University, Laurence_Boulle@bond.edu.au

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editorial

Many thanks to those who responded positively to the first issue of *The ADR Bulletin*. In accordance with the 'user centredness' theme of the leading article, the editorial panel will be responsive as is possible to readers' comments and suggestions. Please continue to provide feedback on the Bulletin.

One of the major public disputes of the first half of 1998 was that centred on Australian wharves featuring Patrick Stevedores and the Maritime Union of Australia. This was played out in many forums, including board and council rooms, the federal cabinet, the media, the public waterfront and quiet backrooms, and of course the courts. Given the complexity of the problem it was inevitable that the courts could

have only a limited role in its resolution. In his High Court judgment on the matter former Chief Justice Gerard Brennan asserted the traditional view that courts 'do not resolve disputes that involve issues wider than legal rights and obligations...'. In this context *alternative* dispute resolution processes are necessary and this Issue of the Bulletin features an article on the potential for using mediation in a formal way in the industrial relations system of Australia. This debate is likely to continue.

In the article on the credit union dispute resolution system there is an interesting reference to the 'Initial View' as a part of a composite dispute resolution procedure. Traditionally arbitrators, tribunals, courts and other adjudicators have been reluctant to give

a provisional view on a dispute before they have heard all the facts and arguments and there are some cogent reasons for favouring this stance. However in an age of inventiveness in dispute resolution the 'Initial View' notion might deserve a closer look in many different situations.

Also featured in this Issue is a topic of major significance to local authorities throughout Australia, namely dealing with disputes in planning applications and other matters within their jurisdiction. These disputes are technical, legal and political and budgetary pressures on local government invite more attention to alternative ways of handling them. ●

Laurence Boulle, General Editor

in brief

Technology and ADR

A recent Issues Paper from the Australian Law Reform Commission is entitled *Technology - What Does it Mean for Dispute Resolution* (IP 23, 1988). This paper is part of the Commission's review of the adversarial system of litigation and it focuses on the impact that technology is having, and could have, on costs, delays, fairness and efficiency in the federal civil justice system. The paper looks at the use of technology in dispute resolution generally and in ADR in particular. *The Issues Paper may be accessed via the ALRC's home page which is at <http://uniserve.edu.au/alrc/>* ●

ADR Exports

A number of other Australian ADR organisations have been exporting their services abroad. Among them is the Dispute Resolution Centre at Bond University, founded in 1989. It has conducted a number of training courses in each of NZ, Hong Kong and the US. In NZ they have trained district and family court judges in three cities in the mediation process, and in Hong Kong have conducted a number of family mediation workshops. In the US, Centre Director Professor John Wade teaches regularly in the postgraduate programme at Pepperdine University in Los Angeles and has twice run course for judges in the State of Alabama. ●

calendar

Advance Mediation Workshop

Advance Mediation Workshop
Heron Island, Queensland, 27-30 August 1998

- Bond University Dispute Resolution Centre,
- Lawyers Engaged in ADR
- Australian Institute for Family Law Arbitration and Mediation

Contact: Melinda Webb
Tel - 07 5595 2039; Fax - 07 55952246; email - melinda_webb@bond.edu.au

Spring Conference

Institute of Arbitrators and Mediators
Spring Conference, 2-4 October 1998, Adelaide, SA
Topics include:

- Business and the effective resolution of disputes
- International trade and arbitration
- Cultural Dynamics in dispute resolution

On Sunday 4 October there will be a plenary session to consider current problems.