ADR Bulletin
ADR Bulletin

Volume 2 | Number 10 Article 2

3-1-2000

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Recommended Citation
Blazevic, Klara (2000) "Story of the Towards Common Ground project," *ADR Bulletin*: Vol. 2: No. 10, Article 2.
Available at: http://epublications.bond.edu.au/adr/vol2/iss10/2

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The ADR Bulletin

New frontiers for ADR

Story of the Towards Common Ground project

Klara Blazevic

In mid-1997, native title and reconciliation were issues being hotly debated in the public arena. The impetus for this debate was the highly contentious *Wik* legislation and its impact on the future of land rights in Australia. The issue had generated a high level of scrutiny from and fear in many sectors of the community, especially for rural and Aboriginal groups.

Around that time in Melbourne three Victorian mediators were discussing the handling of the native title debate, partly in relation to a radio interview they had each heard independently while driving to work. The interview had been with two visiting Canadian academics attending a Peace Conference in Melbourne, who were being asked for their views on how Australia should approach this highly volatile, complex and emotional issue.

The three mediators felt annoyed that in the radio discussion there was no recognition of Australia's expertise in the mediation area, nor that Australia had some of the best conflict resolution systems in the world! As always, overseas views were treated as the authoritative voice on matters that, in this case, were highly complex and uniquely Australian.

The three mediators — Marg O'Donnell, the Victorian Legal Ombudsman, David Bryson, a manager with WorkCover Conciliation, and Nerida Wallace, legal consultant and mediator — decided to do something about the situation not just get annoyed about it. They agreed it was a professional challenge and that point germinated the idea for a 'guide' which would provide people with a simple framework for discussing this highly emotional issue in their communities.

They recognised that much of the public debate around native title focused on the 'big picture', with little consideration for the actual concerns of participants in the native title claims process. Specifically, rural communities did not want to be seen as racist; rather, they were keen to be heard and to be understood. The *Towards Common Ground* guide offered a means of having a constructive and informative dialogue on an extremely delicate issue within a supportive setting.

The idea took off when in late December 1997, Marg O'Donnell was interviewed by Jon Faine on 3LO Radio about the idea of a guide. During its subsequent production, many people and organisations offered their assistance, including the Australian Scholarships Group, the International Institute for Negotiation and Management, the Law Institute of Victoria, Ink Link, the Lance Reichstein Foundation and the Stegley Foundation. The philanthropic funding obtained and the voluntary work of many people around Australia, including indigenous and nonindigenous mediators, enabled the production and distribution of the first *Towards Common Ground* guide. There was strong support from within the mediation industry for this proactive initiative. When the guide was released, the response was overwhelming; there were many requests for copies from all over Australia.

The Project moving on

A growing number of Australians recognise that the need to achieve reconciliation is a prerequisite for our nation as a whole to move forward. At the same time, it is increasingly clear that formal legislation, regardless of its content, cannot fulfil this goal. The guide contains advice and techniques which enable people to move from political rhetoric to practical understanding and the ability to deal with real local issues at a grassroots level.

The techniques employed are those used by professional mediators and deal with topics such as: who to approach first; how to set up the first meeting; identifying the resources that can help sustain the process; setting realistic goals; and how to keep the process going

Since the launch of *Towards Common Ground* in September 1998, over 5000 copies have been distributed around the country. Copies were distributed to local councils and local libraries. Churches also played a significant role in spreading the mediation word.

Current developments

In mid-1999 the project entered a second stage. With the assistance of a Living in Harmony grant, an initiative announced by the Minister for Immigration and Multicultural Affairs Mr Philip Ruddock and administered by the Department of Immigration and Multicultural Affairs, the project will be adapted for the internet so that it reaches an even greater audience, and it will include additional information introducing readers to mediation skills and techniques. The website can be accessed at <www.tcgproject.org>. ●

Klara Blazevic is Project Manager of the Towards Common Ground initiative and can be contacted for more information on the project on 0418 994 849.

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Alternative Dispute Resolution Schemes and Alternative Forums for Adjudication Project No 92 (the Consultation Draft), 30 November 1998, p 13.

9. *Local Court Rules* (WA) r 2A.
10. Report para 11.7; see also above note 8 p 11.
11. Report para 11.1.
12. Report para 11.34; see also para 16.20.
13. Report para 11.15.
14. Report para 11.16.
15. Report paras 11.30-11.31.
16. Report para 11.38.
17. Above note 8 para 2.3.
18. Report para 11.18.
19. Report para 11.24.
20. Report para 11.29.
21. See recs 59 and 60.
22. Report, para 11.3.

Published by ePublications@bond, 2000