

AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

Volume 14, Number 3

August 2003

CASENOTES

POWERS OF AND THE REMOVAL OF AN ARBITRATOR169

ARTICLES

CONFLICT RESOLUTION IN NEIGHBOURHOOD SKATE
PARKS

Dr Mary Power

Connecting skateboarding and conflict resolution is one way of examining how societies socialise the next generation. Skateboarders in neighbourhood skateboard parks negotiate space and turn-taking by following rules. An observational ethnographic approach was used in this research to discern how rules developed in informal contexts allow resolution and prevention of conflicts in natural settings177

JUDGES AS MEDIATORS: A CHAPTER III PROHIBITION OR
ACCOMMODATION?

Justice Michael Moore

The *Federal Court Rules* O 72 rr 1 – 4, together with s 53A of the *Federal Court of Australia Act 1976*, contemplate that a judge of the Federal Court might act as a mediator. This paper discusses the constitutional issues that may arise in the context of a judge acting as a mediator.....188

UNIVERSITY OMBUDS: ISSUES FOR FAIR AND EQUITABLE
COMPLAINTS RESOLUTION

Rachael Field and Michael Barnes

Increasingly universities around Australia are appointing university

ombuds to assist in the resolution of student complaints against academics. This paper explores a number of key issues relevant to the dispute resolution practice of university ombuds, particularly in relation to ensuring fair and equitable process and outcomes198

MEDIATOR – NOT LEGAL ADVISER

David Jesser

This paper suggests that a legally trained mediator espousing their views on the law at a mediation acts contrary to their proper role and further, creates a needless exposure to potential liability.....211

THE PERSONAL INJURIES PROCEEDINGS ACT (QLD) – PRINCIPLED NEGOTIATION OR ENFORCED COMPROMISE?

Anthony Haly

The *Personal Injuries Proceedings Act 2002* (Qld) was enacted on 18 June 2002. The Act created a mandatory pre-court procedure to be followed by persons claiming damages for personal injuries, with a view to settling claims before the commencement of legal proceedings. This article examines that pre-court procedure from the perspective of principled negotiation, to evaluate whether this procedure is conducive of fair settlements, or whether it simply seeks to reduce the number of personal injury actions being brought before the courts irregardless of their outcome222

ADR AND WORKPLACE JUSTICE: JUST SETTLEMENT?

Dr Bernadine Van Gramberg

Alternative Dispute Resolution has been deployed by an increasing number of workplaces since the late 1980s in Australia. Dispute resolution processes not only aim to settle disputes but, presumably, to also deliver justice. This article describes the findings of three case studies in which ADR professionals were engaged to resolve a workplace dispute. The implications for workplace ADR practitioners is discussed.....233

BOOK REVIEW

CONFLICT MANAGEMENT: A PRACTICAL GUIDE, PETER
CONDLIFFE.....243

Guidelines for Contributors

Contributions to the journal are welcome and should be sent to the Production Editor, *Australasian Dispute Resolution Journal* Lawbook Co., PO Box 3502, Rozelle, NSW 2039 (mail), 100 Harris St, Pyrmont, NSW 2009 (courier) or by email to adrj@thomson.com.au, for forwarding to the Editor.

Manuscript

- Submission of a manuscript will be held to imply that it is original, unpublished work and has not been submitted for publication elsewhere.
- Personal details (name, qualifications, position) for publication and a delivery address, email address and phone number must be included with the manuscript.
- Manuscript should be word processed and the hard copy presented double-spaced. Manuscript must also be submitted on disk or as an email attachment.
- Manuscript should not exceed 4,000 words for articles or 1,500-2,000 words for section commentary or book reviews.
- An abstract of 100-150 words is to be submitted with article manuscripts.
- Proofs will be sent to contributors for proof-reading. Authors are responsible for the accuracy of case names, citations and other references. Excessive changes cannot be accommodated at proof stage.
- Contributors of articles receive 25 free offprints of their article and a copy of the part in which the article is published. Other contributors receive a copy of the part to which they have contributed.
- Articles published in the *Australasian Dispute Resolution Journal* are critically appraised or reviewed by an academic or professional peer of the author for the purposes of maintaining the standards of the journal.

Style

1. **Headings: Levels of headings should be clearly indicated (no more than four levels).**
2. **Cases**
 - Case citation follows case name. Where a case is cited in the text, the citation should follow immediately rather than as a footnote.
 - Give at least two and preferably all available citations, the first being the authorised reference.
 - Australian citations should appear in the following order: authorised series; Lawbook Co./ATP series; other company series (ie, CCH, Butterworths); media neutral citation.
 - “At” references should only refer to the best available citation, eg: *Mabo v Queensland [No 2]* (1992) 175 CLR 1 at 34; 66 ALJR 408; 107 ALR 1.
 - Where only a media neutral citation is available, “at” references should be to paragraph, eg: *YG & GG v Minister for Community Services* [2002] NSWCA 247 at [19].
 - For international cases best references only should be included.
3. **Legislation: should be cited as follows:**
 - *Trade Practices Act 1974* (Cth), s 51AC.
 - For legislation references in footnotes repeat the full citation.
4. **Books**
 - Books should be cited as follows: Macken JJ, O’Grady P, Sappideen C and Warburton G, *The Law of Employment* (5th ed, Lawbook Co., 2002) p 55.
 - In footnotes do not use *ibid* or *op cit*. The following style is preferred:
 4. Austin RP, “Constructive Trusts” in Finn PD (ed), *Essays in Equity* (Law Book Co, 1985).
 5. Austin, n 4, p 56.
5. **Journals:** Journal articles should be cited as follows:
 - Odgers S, “Police Interrogation: A Decade of Legal Development” (1990) 14 Crim LJ 220.
 - Official abbreviations (in Roman) should be used in preference to the full name of the journal.
 - Use the following form to refer to the previous citation of an article in footnotes:
 6. Sheehy EA, Stubbs J and Tolmie J, “Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations” (1992) 16 Crim LJ 220.
 7. Sheehy et al, n 6 at 221.
 - Do not use *ibid* or *op cit*.

For further information visit <http://www.lawbookco.com.au> or contact the Production Editor.

SUBSCRIPTION INFORMATION

The *Australasian Dispute Resolution Journal* comprises four parts a year.

Customer Service and sales inquiries:

Tel: 1800 650 522

Fax: 61 2 8587 7200

Web: www.lawbookco.com.au

Email: service@thomson.com.au

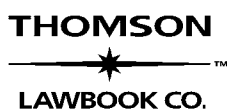
Editorial inquiries:

Tel: (02) 8587 7000

HEAD OFFICE

100 Harris Street PYRMONT NSW 2009

Tel: (02) 8587 7000 Fax: (02) 8587 7100



© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.

ISSN 1441-7847

Typeset by Lawbook Co., Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW