

AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

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ARTICLES

Mediating between victims of sexual abuse and religious institutions – Greg Rooney and Margaret Ross

The victims of sexual abuse within religious institutions suffer the added trauma of experiencing a betrayal by those charged with the duty of nurturing their spiritual, moral and physical upbringing. In addition, there appears to be a pattern of perpetrators targeting the more spiritually and sensitively inclined children, especially in families with close ties to the Church. This compounds the loss suffered by the individual and those closest to them. A number of religious institutions have developed protocols for managing complaints of sexual abuse which include the non-adversarial process of mediation. The authors draw on their experience of mediating meetings between church leaders and victims of sexual abuse to examine some of the challenges inherent in this approach. 10

Listening to each other: The heart of mediation and dialogue – Clare Coburn and Anne Edge

Listening is indisputably a significant aspect of mediation, yet its role has been largely unexamined in the literature in the field. Neither has it been widely examined in other fields. Instead, the literature on listening has focused on the development of skills, models and taxonomies. Rather than focusing on altering behaviours or classifying modes of listening, it is suggested that deepening the mediator's capacity for listening may support people in conflict to express themselves more openly, relate to each other more deeply and enter into dialogue. For mediators, finding the way to deeper listening may involve developing an awareness of their own concerns, prejudices and assumptions and setting them aside in order to create a deeply receptive space open to the dynamics of conflictual dialogue. 19

A conversation about the introduction of compulsory family dispute resolution in Australia: Some positive and negative issues for women – Rachael Field and Mieke Brandon

In this article we have a conversation about some practical and theoretical issues for women arising from the introduction in Australia of compulsory family dispute resolution in parenting disputes from July 2007. We consider the positive aspects of mandating family dispute resolution for women parties, along with some of the potential disadvantages and dangers that women might face, particularly when family violence has been perpetrated in the relationship. In considering family dispute resolution, our focus is on the process of mediation. The central aim of the article is to explore connections and differences in theoretical and practical perspectives on issues for women parties in family dispute resolution. 27

Hong Kong's mediation pilot scheme for construction disputes – Sarah E Hilmer

On 1 September 2006, the Pilot Scheme for voluntary mediation for construction commenced to operate for two years. Mediation has been incorporated in government contracts since 1989. Up to September 1999, 78% of all disputes in Airport Core Programme (ACP) contracts have been settled by negotiation or mediation. In non-ACP contracts, only 19% disputes were resolved by mediation between 1995 and September 1999. The new pilot project serves the purpose to encourage parties in construction cases in the Construction and Arbitration List to consider the use of mediation as a possible cost-effective means of resolving disputes. It was an essential and long overdue step. 37

Occupational therapists as mediators in personal injury compulsory conferences – Roslyn Baer

Occupational therapists have the professional training to be able to offer suggestions for an appropriately structured settlement that would benefit personally injured plaintiffs and third-party defendant insurance companies. Occupational therapists who are also trained as mediators could apply their rehabilitation knowledge in personal injury compulsory conferences. 44

Training requirements to be a mediation trainer in Oregon – Michael Belsky

While at the present time there is an emphasis by NADRAC on accreditation standards for mediators, there is not the same concern regarding the accreditation of mediation trainers. Yet, it could be argued that accreditation of trainers should be the first step in the accreditation process. While it is acknowledged that some basic training is required before a person can claim to be a “mediator”, anybody can set themselves up as a trainer, whether experienced in mediation or not. Indeed, there are reported instances where people are conducting mediation training on paper knowledge alone. The following article on this topic may be of interest to readers. 53

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Editorial inquiries:
Tel: (02) 8587 7000

HEAD OFFICE
100 Harris Street PYRMONT NSW 2009
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