

AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

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Reflections on conferencing practice: The need for accreditation and the dangerous debate? – *Peter Condliffe and Kathy Douglas*

Recent developments in mediation accreditation raise the question whether similar accreditation initiatives are appropriate to the practice of restorative justice and in particular the practice of conferencing. This article explores the synergies between mediation and conferencing and considers whether accreditation is appropriate for conferencing. 140

Court-ordered mediation in the Planning and Environment Court: Does it assist self-represented litigants? – *Peter Wulf*

Mediation is increasingly used to resolve environmental disputes, particularly involving planning and decision-making. The current processes of the Planning and Environment Court (Qld) include case appraisal, mediation and compulsory conference as methods of alternative dispute resolution (ADR) in certain classes of conflicts. In August 2006, the Queensland Department of Local Government, Planning, Sport and Recreation released a discussion paper suggesting that mediation should become an integral component of resolving planning and environment disputes before the court. Is this the best option? Is the current trend in other Queensland courts towards mandatory court-ordered mediation the best mechanism to resolve environmental conflicts? What are the implications of court-ordered mediations, as opposed to a voluntary approach? The author suggests that the overriding imbalance of power of developers and local government that have either refused or have not established their own ADR processes may have a detrimental impact on the resolution of planning decisions. Further, the increasing number of self-represented litigants may result in mediation not being the most appropriate mechanism without the inclusion of other mechanisms to support mediation within the formal ADR process in Queensland. 149

Making decisions: We all do it – *Gary Byron*

Almost since the dawn of Western civilisation, it has been recognised that human beings have a unique and remarkable capacity for rational thought that separates us from all other species. In making decisions that affect the lives and rights of others, it is critical that decision-makers employ this capacity conscientiously and effectively. Failure to do so will result in lost opportunities to produce high quality and well-reasoned decisions that are important to the community and, in particular, to the individuals who are affected by them. 162

Relationship satisfaction and conflict styles of partners – Mary Power and Deannah Jang

In an online survey, the Relationship Assessment Scale and the Conflict Resolution Styles Questionnaire were used to measure attacking, avoiding, and problem-solving conflict styles in relationships to measure relationship satisfaction. Multiple regression analysis of the results of 213 participants found a predictive model showing that to be satisfied in a relationship it is better to not avoid conflict, to stop attacking and to use some mutual problem solving with one's partner. 171

A mediation profession in Australia: An improved framework for mediation ethics – Rachael Field

This article considers the notion of a mediation “profession” in Australia, and assesses the possibility of a greater acceptance of mediation as a nascent profession in its own right. The article is particularly concerned with the connection between conceptualising mediation as a profession, and establishing a more sophisticated framework for ethical practice in mediation. The consideration of these issues works from the basis that the legitimacy of mediation rests on a strong ethical paradigm. The article argues that the strength of ethics in mediation will be enhanced if mediation practice is recognised as an independent professional field of endeavour; a new profession, as opposed to merely an industry or adjunct area of practice. 178

Emotions in negotiation – Deanna Foong

This article examines the impact of emotions on negotiations. It looks at how negotiators are able to create a more conducive negotiating environment, thereby enhancing the likelihood of achieving their objectives by recognising and understanding their own and their counterparts' emotions, by initiating or instilling positive emotions in themselves and their counterparts, and by constructively managing their own and their counterparts' negative emotions. 186

Corrigendum

Please note in the previous issue, there is an error contained in the article by Kathy Douglas, “Mediation accreditation: Using online role-plays to teach theoretical issues” (2007) 18 ADRJ 92. On p 98, footnote 46 is out of sequence, and should apply to the sentence: “In dispute resolution the greatest use of technology has been in the area of negotiation teaching” on p 97. Lawbook Co. apologises for any inconvenience.

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 7. Sheehy et al, n 6 at 221.
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Editorial inquiries:
Tel: (02) 8587 7000

HEAD OFFICE
100 Harris Street PYRMONT NSW 2009
Tel: (02) 8587 7000 Fax: (02) 8587 7100



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