

# AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

Volume 19, Number 4

November 2008

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**Elements of a “good practice” Aboriginal mediation model: Part II – *Dr Loretta Kelly***

This article continues to explore the elements of a “good practice” mediation model for Aboriginal communities. It is argued that if these elements, plus those raised in Part I, are practised by mediation providers, then such services are moving towards implementing good practice mediation for Aboriginal people, families and communities. .... 223

**St Ives Divorce Recovery Workshop with Chris and Sheila Bowen – *Paul Lewis***

The Divorce Recovery program at St Ives commenced in June 1989. It was pioneered by the Reverend Stan Stuart who, at that time, was employed by St Ives Uniting Church and who identified a need in the community amongst those people who were experiencing marriage breakdown. What follows is an edited transcript of an interview between the author, the most recent legal advisor to the workshop, and Chris and Sheila Bowen, who were involved in the running of the workshop for nearly 20 years. .... 231

**What video games teach about conflict – *Mary R Power***

Currently, we face the problem of teaching children to be peacemakers in a world where popular video games available to children frequently model violent patterns of conflict resolution. Although video games can provide intense enjoyment for players, criticism of the long-term effects of exposure to models of violent reaction to conflict needs to be addressed and efforts made to provide alternative models which demonstrate that solving conflict involves learning how to see a situation from someone else’s viewpoint, clear articulation of one’s own position and the ability to perceive another’s, together with the mental flexibility to imagine proposals that might meet the needs of everyone involved. This article analyses plot summaries and genres of current popular video games to discern those in which explicit violence towards others in conflict situations is modelled and those in which efforts are made to teach peaceful ways to solve conflict. .... 239

**International commercial arbitration in Australia: Legal framework and problems – *Richard Garnett***

The object of this short article is to examine the legal framework in Australia with respect to international commercial arbitration. International arbitration in Australia is currently regulated by two main statutory sources: the *International Arbitration Act 1974* (Cth) and the Uniform State legislation (in Victoria, the *Commercial Arbitration Act 1984*) with the Commonwealth Act being the more significant. While the Australian legislation and judicial decisions are generally supportive of international arbitration, there is no doubt that the existence of separate legislative schemes has added considerable complexity to the

area. Perhaps attention should be given to creating a single legislative regime as exists in the United Kingdom, New Zealand and Hong Kong, or at least confining the uniform legislation to domestic arbitrations as far as possible. .... 249

**Individualisation and court-connected mediation: Comments from a risk society perspective – Rhain Buth**

It is argued by Ulrich Beck and others that we are entering into a risk society, with one attendant feature being that individuals are increasingly invited into choices that are enabled and constrained by expert systems and institutions, a feature referred to as “individualisation”. This article examines features of court-connected mediation, arguing that litigants’ experiences reflect qualities and characteristics attributable to individualisation. In making this argument, two generalised stages of mediation are examined: (1) litigants’ opening statements; and (2) establishing the issues and setting an agenda, in order to emphasise not only the “precarious” positioning of litigants but also how lawyers’ participation in these settings augments, rather than detracts from, the benefits and risks associated with individualisation. Such discussions may be useful in articulating difficulties faced by those who attempt to have their cases handled and disposed via court-connected mediation, as well as theorising about the nature of systemic protections embedded within. .... 259

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**THOMSON REUTERS**

©Thomson Reuters (Professional) Australia Limited ABN 64 058 914 668  
Lawbook Co. Published in Sydney

ISSN 1441-7847

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW