

AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

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Pre-litigation procedures: A legislative update and mediation media watch 139

ARTICLES

The use of alternative dispute resolution in administrative disputes – *Hon Justice Brian J Preston*

In Australia, alternative dispute resolution (ADR) is increasingly being used in courts and tribunals for the just, quick and cheap resolution of administrative law disputes. This article outlines, first, some of the main categories of administrative disputes; secondly, ADR processes; and thirdly, how these ADR processes can be and have been used to resolve, in whole or part, these categories of administrative disputes. 144

FDR using a multigenerational approach: The role of grandparents – entitlement or privilege? – *Mieke Brandon and Linda Kochanski*

This article focuses on the incorporation of children’s needs and the role of grandparents as recognised by family law legislation. It is suggested that family dispute resolution practitioners need to establish a range of techniques to assist grandparents, where appropriate, to feature in their son or daughter’s parenting arrangements to help establish a positive and supportive familial relationship. 159

The role of counselling in FDR: Re-drawing professional boundaries – *Dr Karine Hamilton and Dr Pamela Henry*

The recent establishment of compulsory alternative dispute resolution for separating families in Australia has propelled increasing numbers of families through newly formed family relationship centres (FRCs) in which families engage in non-litigious methods of managing separation, such as FDR and counselling. This article reports on the experience of counsellors working with referrals from a FRC in Midland, Western Australia. Interviews with the counsellors revealed that the processes of FDR and counselling intersect in the reformed family law system in significant ways. At times, these intersections produce certain tensions which relate to differing professional norms, such as those regarding client confidentiality and the goal-focused outlook of FDR versus the therapeutic intentions of counselling. 166

Community legal centres’ views on ADR as a means of improving access to justice – Part II – *Lola Akin Ojelabi*

This article discusses community legal centre workers in Victoria and their views on alternative dispute resolution (ADR) as a means of improving access to justice for disadvantaged members of the community. Part I presented findings on concerns on the potential of ADR to improve access to justice. Findings relating to collaboration, integration of services and expansion of ADR are presented in Part II. 173

21 today! Dispute review boards in Australia: Past, present and future – Paula Gerber and Brennan J Ong

In the 30 years since dispute review boards (DRBs) were first developed, over 2,000 construction projects around the world (worth over US\$100 billion) have used one, and 98% of these resulted in the project being completed with no outstanding disputes. It is therefore somewhat surprising that the Australian construction industry has not yet embraced DRBs, with only 21 projects having used them in this country. This article examines the limited use of DRBs in Australia in an attempt to understand what the future might hold for DRBs in this country. 180

Arbitration of corporate governance-related disputes: A Vietnamese perspective – Nguyen Duc Tri

Although arbitration of corporate governance-related disputes is not a new concept, using arbitration to resolve disputes of this kind in Vietnam has not been successful for a variety of reasons. However, the new Law on Commercial Arbitration, which came into effect on 1 January 2011, has changed the arbitration landscape. This article discusses the regulatory framework governing arbitration of corporate governance-related disputes in Vietnam under the new law, as well the obstacles and problems that legal practitioners faced under previous legislation. 192

Lawyers' role options in family dispute resolution – Donna Cooper and Mieke Brandon

Both family lawyers and family dispute resolution practitioners are “gatekeepers” to the family law system. In this article the authors explore, with reference to recent research, the characteristics shown to be present in successful collaborative relationships between these two groups of professionals. They then apply Rundle’s spectrum of contributions that lawyers can make to mediation to the family law context and explore the various role options for family lawyers in family dispute resolution. 198

Corrigendum

Please note an error in the February 2011 issue in the article by Kathy Douglas, “The teaching of ADR in Australian law schools: Promoting non-adversarial practice in law” (2011) 22 ADRJ 49. The first sentence of footnote 45 (p 57) should read: “Lave J and Wenger E, *Situated Learning: Legitimate Peripheral Participation* (Cambridge University Press, 1991); Wenger E, *Communities of Practice: Learning, Meaning and Identity* (Cambridge University Press, 1998).”