```
Aboriginal people
   as clients of FDR service, 224-229
Accreditation
   of dispute resolution practitioners, 158
Afghanistan government
  negotiations with Taliban, 206
AFL see Australian Football League (AFL)
Age discrimination complaints see Discrimination complaints
Alternative/appropriate dispute resolution (ADR) see also Dispute resolution
  in AFL player disputes, 236-237
  arbitration see Arbitration
  conciliation see Conciliation
  end of life decision disputes, 49-50
  law school courses see Law schools
  Lawyers Engaged in see LEADR
  mediation see Mediation
  in New Zealand, 85-101
  role for lawyers in "new advocacy", 178-186
  sexual harassment see Sexual harassment complaints
Anti-discrimination see Discrimination complaints
Arbitration see also Alternative/appropriate dispute resolution (ADR)
   within the AFL, 230-231
  international see International commercial arbitration
  power of Federal Court to enforce. 166-168
  stay of application for without adjudication of the merits, 163-166
Australia
  ageing population of, 251
  international arbitration in, 208-223
Australian Centre for International Commercial Arbitration
  promotion of, 223
Australian Football League (AFL)
  Laws Committee, 231-232
  Match Review Panel, 236-237, 239
  dispute resolution system of, 230-241
Australian Human Rights Commission (AHRC)
  age discrimination complaints to, 102-111
Behaviour see Psychology
Biases
  behavioural economics insights into mediation, 8-17
Business transactions see Commercial dispute resolution
Capacity in law
  accommodations for, 257-258
  issues in assessment of, 252-256
Charlton. Ruth
  on history of LEADR, 160-162
China
   dispute resolution and conflict management in, 61-67
  people-based political values, 65, 67
```

Codes of conduct and ethics confidentiality in mediation, 189 in related disciplines, 40-44 **Commercial dispute resolution** domestic arbitration laws, 208-209 international arbitration in Australia, 208-223 mandatory mediation for part of, 203-204 in New Zealand, mediation in, 96-97 in UN framework, 112-120 Conciliation see also Alternative/appropriate dispute resolution (ADR) for age discrimination complaints, 104-105 in healthcare mediation, 56-57 lawyers' role in, 179 in New Zealand employment law, 89-90 in sexual harassment complaints, 173-174, 259-269 Confidentiality in mediation, 187-194 Conflict resolution see Dispute resolution Costs awarded for an unreasonable act, 204-206 **Court of Arbitration for Sport** anti-doping sanctions, 26-35 **Court rules** arbitration lists, 223 **Cultural issues** family dispute resolution for Aboriginal clients, 227-228 in use of humour, 21-22 **Decision-making** behavioural economics and, 14-16 end of life decisions, 45-53 ethical approaches to, 38-39 Discrimination complaints see also Sexual harassment complaints age discrimination, 102-111 conciliation used in, 259-260 financial penalties, 264 **Dispute resolution** age discrimination complaints, 102-111 alternative/appropriate see Alternative/appropriate dispute resolution (ADR) in China, 61-67 commercial see Commercial dispute resolution duties of practitioners, 182-184 effectiveness criteria for grievance mechanisms, 118-120 end of life decisions, 45-53 enforcing clauses in the United Kingdom, 71-73 ethics and, 36, 43-44 family see Family dispute resolution (FDR) healthcare see Healthcare mediation international conferences, 141-142 international trade agreements, 222-223 law school courses see Law schools

non-adversarial practice and, 180-181 role of humour in, 18-25 sexual harassment see Sexual harassment complaints training in, 142, 242 in UN framework, 117-118 Domestic violence see Family violence **Elder mediation** development of in Australia, 251-258 End of life decisions dispute resolution, 45-53 Paramountcy Principle in, 50 Evidence postponing mediation to wait for, 5-7 Explanation, power of in healthcare mediation, 54-60 Family dispute resolution (FDR) absent parties in, 121-127 ethical practice in, 36 family relationship centre system, 195 in making end of life decisions, 50-51 in New Zealand, history of, 90-92 practitioners' knowledge of fathers' engagement in, 270-278 in prisons, 195-200, 224-229 training in, 249 Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth), 271 **Family violence** prevalence among Aboriginal clients, 228-229 prison clients with histories of, 199 Farm debt mediation history of, 77-85 Fathers engagement in FDR, 270-278 in prison, family contact with, 196-197 **Federal Court** power to enforce arbitral award, 166-168 **Financial penalties** refusal to participate in mediation and, 73-75 sexual harassment complaints, 171, 174, 263-265 Good faith negotiating native claims in, 3-5 Harassment see Sexual harassment complaints Health Services (Conciliation & Review) Act 1987 (Vic) Office of the Health Services Commissioner established by, 55-56 Healthcare mediation end of life decisions, 45-53 power of explanation in, 54-60

Human rights law age discrimination complaints in, 102-111 human rights approach to elders in mediation, 256-257 in New Zealand, mediation in, 95-96 UN framework, 112-120 Humour role in dispute resolution, 18-25 **Impartiality** see Biases International Arbitration Act 1974 (Cth) (IAA) problems with, 208-209 International commercial arbitration in Australia, 208-223 **Investor-state disputes** Philip Morris case, 220-222 policy on settlement, 222-223 Irrationality see Predictable irrationality Jurisdiction bifurcation of in PM case, 221-222 Klug, Michael on history of LEADR, 137-138 Knowledge About Fatherhood Checklist (KAFC) development of, 272-275 Law schools ADR teaching in New Zealand, 98 dispute resolution courses, 242-250 Lawyers codes of ethics, 42-43 dispute resolution role, 249-250 role in "new advocacy", 178-186 LEADR (Lawyers Engaged in Alternative Dispute Resolution) 25th anniversary of, 131-132 history of, 133-138, 156-162 New Zealand chapter, 146-147 Perth chapter, 146 principles and practice, 139-146 support for from lawyers, 140-141 training provided by, 148-155 Legal capacity see Capacity in law Legislative requirements end of life decisions, 46-47 family dispute resolution practice, 36-38 Limbury, Alan on history of LEADR, 133-135 Litigation for discrimination complaints, 105-108, 109-111 Mediation see also Alternative/appropriate dispute resolution (ADR) in China, 61-67 codes of conduct, 193 confidentiality in, 187-194 for divorcing couples in UK, 75-76

early history of, 160-161 elders in, 251-258 engaging the Taliban, 206 in family dispute resolution, 121-127 farm debt mediation, 77-85 healthcare see Healthcare mediation lawyers' role in, 179 mandatory, 203-204 mandatory for part of a dispute, 203-204 in New Zealand, history of, 85-101 overseas workshops in, 150-155, 162 postponing to wait for evidence, 5-7 power of explanation in, 54-60 predictable irrationality in, 8-17 refusal to participate in, 73-75 school students trained in, 99-100 sexual harassment see Sexual harassment complaints in UN framework, 112-120 **Mediator Ethics Advisory Committees** confidentiality issues, 193 Medical mediation see Healthcare mediation NADRAC (National Alternative Dispute Resolution Advisory Council) position on confidentiality obligations, 194 recommendations on training, 242-244 Native title claims negotiating in good faith, 3-5 "New advocacy" roles for lawyers in, 178-186 training in, 242 **New South Wales** end of life decision dispute resolution, 51-53 farm debt mediation over time, 77-85 New Zealand history of mediation in, 85-101 LEADR in, 146-147, 152-155 Non-financial penalties sexual harassment complaints, 265-266 Pakistan aid in mediations given by, 206 Parenting-related services see Family dispute resolution (FDR) Penalties see Financial penalties; Non-financial penalties; Sanctions **Philanthropy** LEADR founded on, 139-140 Predictable irrationality in mediation, 8-17 Prisons family dispute resolution in, 195-200, 224-229 Professional bodies see also LEADR collaboration between, 143, 159 in New Zealand, 99

(2013) 24 ADRJ 285

Psychology behavioural economics insights into mediation, 8-17 of humour. 18-19 **Public interest issues** confidentiality and, 187-194 Queensland sexual harassment complaints in, 171 **Queensland University of Technology (QUT)** dispute resolution courses, 242-250 Raftesath, Gerald on history of LEADR, 135-136 **Rural Assistance Authority of NSW** support for farm debt mediation, 78-80 Rural finances see Farm debt mediation San Diego, US sexual harassment charges against Mayor, 207 Sanctions proportionality of anti-doping sanctions, 26-35 Settlement duty to consider, 182 post-mediation settlement deeds, 85 sexual harassment complaints, 163-166, 175-176, 259-269 Sexual harassment complaints benefits of ADR, 169-177 against Mayor of San Diego, 207 non-financial penalties, 265-266 settlement outcomes, 259-269 **Sports** AFL Tribunal system, 230-241 anti-doping sanctions, 26-35 Students see Law schools Taliban negotiations with, 206 **Teaching** see Law schools **Tenancy law** in New Zealand, mediation in, 93-94 Therapeutic jurisprudence end of life decisions, 45-53 **Trade agreements** dispute resolution policy, 222-223 Training provided by LEADR, 142-144, 148-155, 158 United Kingdom "Divorce Day" initiative, 75-76 enforcing dispute resolution clauses, 71-73 **United Nations** Guiding Principles on Business and Human Rights, 112-120 **Universal Declaration of Human Rights** implications for commercial law, 118

Universal Declaration of Human Rights, United Nations implications for commercial law, 114 Universities see Law schools **Unreasonable acts** costs awarded for, 204-206 Victoria Office of the Health Services Commissioner, 55-56 Violence see Family violence Weathertight Homes Resolution Services Acts (NZ) mediation service established by, 94-95 Werksman, Harold on history of LEADR, 136-137 Western Australia FDR service provided in prisons, 195-200, 224-229 LEADR established in, 146 Workshops see Training World Anti-Doping Agency (WADA) Code sanctions under, 26-35