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ARTICLES

International Arbitration in Australia: 2019/2020 in Review – *Albert Monichino QC and Alex Fawke*

This annual article updates readers on the most important developments in international arbitration in Australia in the past year. It surveys legislative, case law and other developments between 1 January 2019 and 30 August 2020. 12

Ex parte Enforcement of Arbitral Awards and the Rule of Law: Mineralogy v Western Australia – *Albert Monichino QC and Gianluca Rossi*

The decision of Martin J in *Mineralogy Pty Ltd v Western Australia* provides guidance on the procedural requirements in respect of the enforcement of domestic arbitral awards and, in particular, counsels against bringing enforcement applications on an ex parte basis. 31

Co-housing Disputes: Strategies for Harmonious Conflict Resolution? – *Kathy Douglas, Christina Platz and Robin Goodman*

Co-housing developments are a growing trend in Australia and internationally. They provide the opportunity to purposefully choose fellow members in a residential development while offering the opportunity to incorporate a shared value approach to living in communities including high-density living. The research described in this article attempted to explore whether purposeful developments, such as co-housing initiatives, have insights into effective conflict management schemes. This research project includes three case studies of co-housing developments, analysing interviews from key members. In each interview questions are explored about the nature of conflicts experienced and the adequacy of the approaches to conflict management. The data gives insights about value-based conflict management systems in co-housing developments and the challenges that persist in living in community-based arrangements. 37

Mediation Preferred for Resolution of Communal Disputes in Nigeria – *Adesina Temitayo Bello, PhD and Ucheoma Chinaemeremna Awa*

Disputes are inevitable among people, businesses and communities. The article encompasses what communal disputes in Nigeria entail, how mediation is needed and used in resolving communal disputes, and the challenges in the use of mediation in resolving Nigerian communal disputes. It is centred on the genesis of communal disputes and how they have been resolved. It discovers that such disputes are better resolved through mediation and

other hybrids of Alternative Dispute Resolution (ADR). The article begins with a form of mediation which has been in existence in Nigeria right from olden years, and so it is well positioned to resolve community disputes. 46

Post Separation: How Can FDR Positively Influence the Impact of Culture on the Lives of Children? – Dr Bethaina Dababneh and Mieke Brandon

The article is based on the premise that Culture by its nature is often deeply personal to the individual, that cultural differences have the potential to cause conflict and that in order to foster co-parenting relationships and encourage parental communication post separation, one must be able to understand difference, accept difference and respect difference. With an appreciation that culture impacts the knowledge, understanding and value systems of individuals, we ask whether FDR practitioners should recognise the importance of culture for the child post family breakup and help disputing parents develop culturally sensitive parenting agreements. The article will also suggest that in practicing FDR, a subculture of tolerance, respect and understanding about diverse cultural practices must be developed as this will influence its ability to bring about lasting co-parenting outcomes that consider how the cultural background, in which the children grew up, is to be continued in the children’s best interests. 52

Introducing Relationship Mediation for FDR Practitioners and Other Experienced Mediators in 2021 – Mieke Brandon

This article describes how every day, relationship disputes can be managed differently through seeking Relationship Mediation (RM). RM is for people, regardless of gender, in intimate ongoing relationships, whether married or not, with or without children, who want to make an effort to sustain their relationship. Particularly when there are children involved, parents may want to gain insight into their destructive conflict patterns which they consider harmful to their wellbeing as a couple as well as a family. Relationships do not have to end in separation or divorce because of conflict. Many couples most likely would have preferred a more harmonious togetherness if they had known there was a mediation process that could assist in avoiding some separations. Where there is hope and partners want to construct new goals for their future together, RM offers a constructive future and solution focused process before one or the other partner walks out. 63

Mediating Workplace Conflict – Reviewing the Evidence – Dr Emily Schindeler

Mediation has become a mainstream method for addressing conflict in a variety of contexts – in the workplace, in family disputes, in civil disputes and commercial matters. This would suggest that there is robust evidence supporting the capacity of this form of intervention to achieve resolutions to conflict. The aim of this article is to explore the lessons that can be drawn from reported empirical research involving mediation in the context of workplace conflict. A review of empirical studies conducted in the last decade has highlighted gaps that require further research to better inform understanding of the method, its application and what are reasonable expectations for its use in a workplace context. 75

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