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ARTICLES

Negotiating with GPT-4: Digital Doormat or Skilful Counterpart? –
Dorcas Quek Anderson

Large language models (LLMs) such as GPT-4 have been creatively harnessed in the conflict resolution arena as dialogue agents interacting with humans within negotiations, due to their capacity for in-context learning and giving human-like responses. In light of the burgeoning use of LLMs in conflict resolution training, a pilot study was conducted to ascertain the desirability of using dialogue agents built on GPT-4 in conducting simulations for students learning negotiation skills. This article discusses insights gained from the study on the reliability of LLM agents in following prompts for negotiation simulations; notable negotiation behaviour of the LLM agent; the degree to which learning objectives are achieved; and how closely the LLM agent's responses resemble human behaviour. It further offers reflections on appropriate ways to harness LLM agents in future conflict resolution training. 157

Tesseract: A Triumph of Party Autonomy – *Richard Garnett*

The recent decision of the High Court of Australia in *Tesseract International Pty Ltd v Pascale Construction Pty Ltd* is a triumph and vindication of party autonomy in arbitration. Parties, by choice of the substantive law in their contracts, can now determine whether proportionate liability applies to their dispute. If Australian parties or an Australian and foreign party wish to exclude such liability in arbitration proceedings, they are advised to choose Victorian law and a Victorian seat. Three judges also affirmed the importance of the law of the seat in arbitration matters. While this view is unlikely to cause difficulty in a wholly domestic context, it needs some qualification where Australian court proceedings are sought to be stayed in favour of foreign arbitration. 178

The Power of Strategy: How to Negotiate When the Odds Are Against You –
Richard Chalik

In negotiations, power – who has it and who does not – can have a decisive impact on the features of the final agreement. This is often a result of those with power instinctually believing that they have an advantage and those without power believing they are simply

at the whim of their opponent. This article seeks to challenge that presumption, illustrating that all negotiators have power and a capacity to increase it. It will do so by drawing on the relevant literature to: (1) define what “power” means in the context of a negotiation; (2) identify and describe the sources of negotiating power; and (3) with reference to those sources, provide guidance on how negotiators perceived to have less power can overcome and neutralise power imbalances to affect the outcome in their favour. 186

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