



# **Mediating for Social Cohesion; a Case Study in Community Skills Development**

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# Overview

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# Australian Disputes Centre

**Independent, not-for-profit;** established in 1986 by the NSW AG to promote Alternative Dispute Resolution (ADR).

**Expanded in 2010;** opening of international dispute resolution centre to attract international arbitrations to Australia.

## Our Vision

A world where businesses, government entities and communities in dispute have the knowledge, skills, resources and the commitment to utilise ADR processes appropriate to the nature of their dispute.

## Our Mission

To provide an ADR centre of excellence that is the first choice for Australian and international organisations and individuals seeking to resolve, or learn how to resolve, conflict and disputes.

# Australian Disputes Centre

- **Disputes Management;** case managing the appointment of mediators, arbitrators and experts
- **Dispute Resolution Centre;** venue for mediations & arbitrations
- **Learning & Professional Development;** leading training provider for public & in-house ADR courses, including:
  - Conflict Resolution, Complaints Handling, Facilitating Difficult Discussions
  - Mediation; foundation, refresher & advanced (ADC is a National Mediator Accreditation Body)
  - Over 30 years, ADC trained thousands of mediators from all walks of life.
- **Secretariat;** Australian Centre for International Commercial Arbitration Chartered Institute of Arbitrators (Australia).

# Corporate Social Responsibility Program

## ADC Schools Invitational Debating Program

### Debating Final 2014

winning team members;  
Moorebank High, Alexandria Park,  
Christian Brothers Lewisham



**ADC Aboriginal & Torres  
Strait Islander  
Mediation Training  
Scholarships Program**

# Conflict is an inevitable part of life

## Conflict situations arise because of:

- Poor communication; most people are not good listeners, we prefer to tell our story rather than to listen to others
- Confusion about roles and expectations
- A situation that has become habitual, ritualised & possibly inherited
- Differing styles and personalities
- Stress and change
- Power and authority
- Differing values, beliefs & morals

*Conflict is normal*

# The Costs of Unresolved Conflict

## Workplace

- Creates stress that lowers productivity & morale
- Diverts energy from efficient delivery of high quality outcomes
- Unhappy stakeholders (e.g. shareholders, clients, staff, suppliers)
- Adversely impacts staff recruitment and retention
- Financial costs; productivity, opportunity costs, brand, legal costs

*Consider the Costs of Conflict*

# Resolving conflict

People in conflict situations often just want:

- To be heard
- To be understood
- To be respected
- An explanation
- An apology, where one is warranted
- Appropriate and timely action to resolve the issue

**BUT...** How do people often behave?



*What people really want*





# How do you generally respond to conflict?

# Responses to Conflict

- Compete/Fight (Win-Lose)
- Avoid/Withdraw
- Accommodate/Smooth
- Compromise/Bargain
- Collaborate/Problem-Solve (Win-Win)



(Thomas-Kilman 'Conflict & Conflict Management' in *Handbook of Industrial & Organisational Psychology*, US, Rand-McNally, 1976)

# Conflict in Aboriginal Communities

Cheryl works in the Wagga Wagga region; while more urbanised than remote Aboriginal communities, she says a lot of the issues are similar.

- “My expectation for Aboriginal people in a town like Wagga Wagga is that people should be thriving, but we’re not. There is something missing, something not right. People are still living on the edge.

*Cheryl, Wagga Wagga*

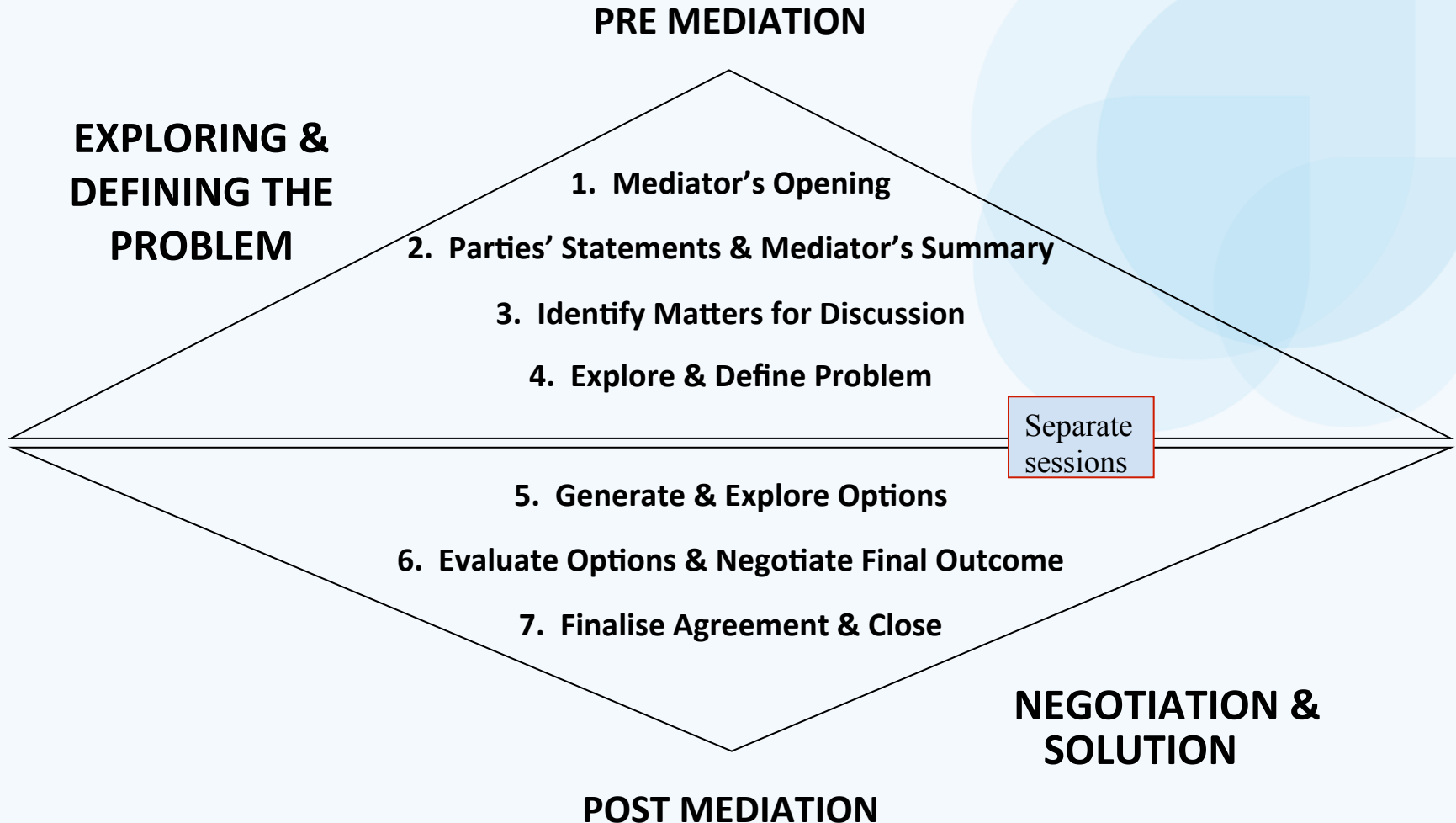
# Conflict in Aboriginal Communities

- “Aboriginal people often will rather avoid conflict than address it, so they will walk away from it without saying what their feelings are. This can lead to misunderstandings.”
- “Lots of times it’s pride, lots of times it’s cultural – you don’t speak back to your elders, for example. Sometimes the issues that people have with one another aren’t really issues – it could be the way they talk to each other – so the perception becomes the issue.”
- Aboriginal communities are often fractured and have factions. “It could be there’s a group that aren’t engaged with anything, who don’t have a voice.”

# What is 'Mediation'?

- **Mediation** is a flexible process in which disputing parties, with the assistance of the mediator:
  - identify the issues in dispute;
  - develop options;
  - consider alternatives, and
  - endeavour to reach an agreement.
- **Mediation** may be undertaken voluntarily [at the time a dispute arises or subject to an existing contractual agreement] or under a court order.

# Mediation Process



# Why Mediation Scholarships?

- Mediation is a proven dispute resolution process in many cross cultural contexts
  - promoting access to justice
  - seeking a win/win resolution
  - resolving disputes
  - restoring relationships
  - focussing on the future
  - demonstrating highly effective communication and conflict resolution skills
- The role of 'mediator' creates opportunity for income
- Empowering communities with the skills, techniques and processes to help reduce levels of conflict and effectively resolve disputes, while preserving relationships, is a cornerstone of a cohesive society and central to a national strategy for community cohesion.

# ATSI Mediation Training Scholarship Program



- Launched in May 2014, The Hon. Fred Chaney, AO
- Scholarship training started in June 2014
- Guided by an Advisory Panel and monitored closely as a pilot program
- The program aims to train mediators to National Mediation Accreditation Standards



# Criteria for Scholarship Candidates

**Scholarship candidates are chosen recognising their:**

- Current work in their community [be that paid or voluntary work]
- Leadership capability
- Standing within their community to be accepted in the role of 'mediator'
- Capacity and capability to successfully undertake a 5-day intensive mediation training course with both written and skills based components
- An interest in undertaking National Mediator Accreditation and developing their mediation skills moving forward
- Interest and willingness to champion the benefits of mediation in their community

# Profile of Scholarship Recipients

- Personally referred by those who have strong connections into the breadth of ATSI communities, who understand the aims of the scholarship program and the 'fit' of potential candidates for the program.
- Scholarship recipients include:
  - Grass-roots urban and regional community leaders
  - CEO's of regional and remote land councils
  - Jazz singer
  - Child protection officer
  - Teacher
  - Former NRL star

*Who we have trained*

# 5-day Mediation Training Experience

- Leroy initially found the dispute resolution course nerve-wracking. “It was something new, and you are mingling with the top end of town, which is daunting, but by the Wednesday I felt comfortable.
- “The course has given me a map to look at the disputes and conflicts that I come across. Much of dispute resolution is about letting people come to their own conclusions about what should happen, instead of having the decisions superimposed on them.
- “We talk about self-determination a lot, and this process allows the parties involved to do this. They then own it – that’s the trick, I think.”
- Leroy says he didn’t have “a light bulb moment” on the course, “but it cleared a lot of fog”.

**Leroy, Wilcannia**

# 5-day Mediation Training Experience

- Cheryl said she liked the group dynamic and camaraderie among the 15 people on the course. “Barristers, company directors, mediators – they all have the same struggle.”
- “The best thing I got out of it all week was that I changed someone’s perception – she was mediating – that they couldn’t do anything, that they weren’t getting anywhere. I said something and it took off from there, it was a breakthrough. She said, ‘I’m never going to forget you, you’ve changed my life’.”

**Cheryl, Wagga Wagga**

# Post-Training Reflection

- 'Whilst going through the learning programme of Mediation I quickly started to realise the power of this process. It is a successful way of dealing with problems between parties allowing them to speak openly and in a safe environment.
- My reasons for doing the mediation course was to work in Aboriginal Communities and hopefully help people reach a positive outcome. Mediation when successful can prevent people ending up in our legal system.
- The Mediation process with its clearly defined steps allows the participants to say what they need to say, telling their side of the story without fear of judgement or criticism also empowering them as they move towards a solution suitable for both parties. It also allows room for cultural sensitivities .
- Mediation works, and I have included some of the skills I have learnt at the course in my everyday dealings with family and friends."

**Di, Sydney**

*"Amazing Skills"*

# Summary

- Conflict and disputes are an inevitable part of life for all communities.
- Mediation; a potent approach for empowering communities to find more effective ways of resolving conflict.

“ It gives people the time and space to get their story across”

- Trained mediators, in any cultural context, also use their skills beyond a ‘mediation’ setting. They become life-skills that are modelled and progressively mirrored by those around them.

“Totally using the skills. Amazing skills! I’ve used them with the family and band members. I wonder if my life may have been different if I had these skills a long time ago.”





# Thank You!

For more information, please contact:  
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*Thank You*