



### Steve Lancken

- Private ADR provider (mediation and arbitration)
- Trainer in mediation/negotiation and difficult conversations
- Former board member MSB and Law Society of NSW
- Member of LEADR
- Former member IAMA
- Member of ADRA
- Councillor NADRAC (2008 to 2013)
- Lecturer at Sydney University
- Tribunal member
- Peace and conflict student and academic and Practitioner

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### In this presentation!

- No criticism or judgement of anyone or any one institution is expressed or implied
- No one is bad
- If I say (for instance) that people act in self interest it is a description (Adam Smith would say essential) and does not ascribe a motivation
- I want to know why ADR (which I think describes a great set of skills) is not main stream OR influential in creating a fair and just society.
- I want to see if we can do things better

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### Governance

- *"The act process or power of governing"*
- *"The state of being governed" (on line dictionary)*

- *"the interactions between institutions and individuals that define the playing field and rules of the ADR profession and its practice"*

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**ADR Governance...Objectives for ADR**

- Strong representation with government.
- High public profile
- Quality of services
- Profit
- Wide range of services
- High educational standards
- Research and evidence of effect and value
- Ongoing education of ADR practitioners
- Fellowship and support
- Integrity, honesty and professionalism of service providers
- Discipline and complaints mechanisms
- Promotion
- Training of new mediators

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### Your ideas

- Is the ADR field too immature to have the ambition to influence national policy?
- Does ADR have a policy story to tell? And if so what is the narrative that society could benefit from?

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### Competition



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### Your thoughts?

- What are the benefits of competition?
- What are the risks that competition creates?

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### Self Interest



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### What is selfof Interest

- <http://www.youtube.com/watch?v=n8Y8FK8gonc>



- Dan Airley

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### Your experience

- What do courts and judges really think about ADR ?
- Who are the winners from our present structures?
- Who is not being looked after?



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**Not for Profit or for profit provider?**

*XXXX are experienced dispute resolution professionals as well as skilled adult educators. The trainers featured below run the public training programs described on the previous pages. These and other trainers are available to conduct a broad variety of in-house training programs.*

**Not for Profit**

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**Not for Profit or for profit provider?**

join our national network for free of ADR consultants for monthly updates, dispute resolution job opportunities, networking events, seminars, conflict resolution information and many more opportunities within the field.

**Free Membership**

XXX is encouraging mediators and dispute resolution practitioners, drawn from a variety of professional and business backgrounds, to join Australia's leading conflict resolution body.

XXXX is the thought-leader for dispute resolution in Australia and the promotion of mediation and conflict management skills. XXXXX mission is to encourage and develop mediation and other cost-effective dispute resolution and prevention techniques in commercial and public-sector disputes.

**Benefits of membership**

By joining XXXX for free you can:

**For Profit**

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### Your experience

- Does the general public understand the difference between facilitative processes and determinative processes?
- How is mediation perceived as a way of dealing with workplace conflict?
- What do courts and judges really think about ADR ?

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### What can be done?

- A peak body
- No self-interest in the peak body
- A funding plan
- Separate the functions of training, accreditation and the setting of standards
- Leverage what already exists
- High level accreditation
- Inclusiveness and collaboration
- High Ethical standard
- Stop the competition between not for profits
- Independent governance experts

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### What can be done?

- Your ideas???



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COMMUNICATE INNOVATE COLLABORATE FACILITATE NEGOTIATE MEDIATE EDUCATE

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