

THE
INSTITUTE *of*
ARBITRATORS & MEDIATORS
—  —
AUSTRALIA

Australia's leading ADR organisation since 1975

NATIONAL CONFERENCE 2006

DRAWING A LINE IN THE SAND: NEW APPROACHES IN ADR



Novotel Palm Cove
Far North Queensland, Australia
26 - 28 May 2006

The Institute of Arbitrators & Mediators Australia

ABN 80 008 520 045 Incorporated in ACT

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Email: national@iama.org.au Website: www.iama.org.au

NATIONAL CONFERENCE 2006
**DRAWING A LINE IN THE SAND:
NEW APPROACHES IN ADR**
WELCOME



TIM SULLIVAN
President

Dear Delegate

In May of each year, the Institute hosts a national conference in conjunction with its annual general meeting.

Featuring challenging and thought provoking presentations, it attracts leading ADR professionals involved in the training and practice of alternative dispute resolution.

This year's conference in Palm Cove is no exception. I am pleased to acknowledge the work of Karyn Reardon and the Queensland Conference Committee who have organised an outstanding program, *Drawing a Line in the Sand: New Approaches in ADR*.

The Institute drew its line in the sand some time ago. That is a line from which the Institute, drawing on its experiences in the first 30 years, moved alternative dispute resolution processes boldly forward, adopting new processes and refining existing ones. It is also a line from which the Institute is moving forward to refine its training and accreditation processes for our graded and accredited members.

This Palm Cove conference addresses new approaches in arbitration, mediation, adjudication and provision of a diversity of new alternative dispute resolution services in areas including industrial relations, maritime law and native title.

There will also be announcements and further developments in major bilateral and multilateral agreements.

Once again, the Institute's conference features an array of eminent presenters including: **the Hon Justice Ian Callinan AC, Justice of the High Court of Australia; the Hon Justice Robert McDougall of the NSW Supreme Court; the Hon Justice James Douglas and the Hon Justice Stanley Jones of the Queensland Supreme Court; Graeme Neate, President of the National Native Title Tribunal; Gavan Griffith QC; Professor Laurence Boulle; Ian Hanger QC; Henry Jolson QC and many other leading ADR professionals.**

To be hosted at the Novotel Palm Cove Resort, 15 minutes from Cairns' domestic and international airports, it is an ideal location for you to also explore and enjoy the beauty of Far North Queensland including the Great Barrier Reef.

I welcome you all to Palm Cove and look forward to seeing you there.



Tim Sullivan
President

Cancellation Policy: Your registration will be confirmed in writing when full payment is received. We will refund your registration in full if you notify us before 1 May 2006. Any cancellation after this date attracts an administration fee of \$100. No refunds will be payable for cancellations made after 6 May 2006.

CPD/CLE Points: IAMA members may claim 16 CPD points for attendance at the whole Conference. Partial claims are calculated at the rate of 1 point per hour of attendance (excluding refreshment and meal breaks). Where other mandatory CLE points apply, registrants should contact their professional association.

Privacy Notice: The information you provide on this registration form is being collected by IAMA for the purpose of processing your registration for the Conference. The information will not be used for any other purpose and will not be provided to any other organisation.

Team Discounts: Groups of five or more registrants booking from the same organisation/company will be entitled to entry at the IAMA member's rate for all members of that group.

Part Attendance: A daily fee is available for people who wish to attend for one day only rather than the whole Conference. In these cases, registrants will be entitled to a discount of 30% on the standard applicable fee.

New Members: Members are financial members at the date of registration. New applicants for membership will be eligible for the member's rate, provided they have previously forwarded the prescribed entrance fee and annual subscription to the Institute.

Accommodation: A special Conference rate has been arranged with the **Novotel Palm Cove**. Please book by ringing **61 7 4059 1234** quoting the Conference date, name and Conference code **12253**. Resort room at \$155 a night and Resort Suite at \$185 a night.

NB: Conference registration fee does not include cost for travel and/or accommodation.

NATIONAL CONFERENCE 2006
**DRAWING A LINE IN THE SAND:
NEW APPROACHES IN ADR
PROGRAM**

FRIDAY 26 MAY 2006

Welcome Reception and Cocktail Party

6.00pm - 8.00pm



SATURDAY 27 MAY 2006

8.30am - 9.00am

9.00am - 10.00am

Arbitration

10.00am - 10.45am

Session 1 Theme: Arbitration – New Directions
Chair: Michael Rudge SC
Laurie James

10.45am - 11.15am

11.15am - 12.00pm

Session 2 Theme: Emerging Issues in International Arbitration
Chair: Graham Easton
Gavan Griffith QC: *UNCITRAL Update*
Robert Hunt: *Arbitration in the International Seed Trade*

12.00pm - 12.45pm

Session 3 Theme: Arbitration of International Sale of Goods Disputes Under the Vienna Convention
Sponsored by Evans & Peck
Chair: Ian McIntyre
The Hon Justice James Douglas

12.45pm - 1.45pm

1.45pm - 2.30pm

2.30pm - 2.50pm

Session 4 Theme: Arbitration and Illegality
Chair: Russell Thirgood
AA de Fina

Registration

Plenary Session 1

Official Opening – Sponsored by Allens Arthur Robinson

Chair: Nick Rudge

Tim Sullivan: *Welcome Address*

The Hon Justice Ian Callinan AC: *Opening Keynote Address*

Mediation

Session 1 Theme: National Accreditation Standards for Mediators
Chair: Sir Laurence Street
Professor Laurence Boulle

Morning Tea

Session 2 Theme: Government Developments in Mediation

Chair: Robert Mills

Mark Brady: *Using Mediation to Enhance Workplace Relations within Queensland Health*

Colin Kaeser: *Using Mediation in the Family Court*

Session 3 Theme: Sharing Practical Experiences in Mediation

Chair: Sandy Policansky

Michelene Dewdney: *Hybrid Processes*

Virginia Goldblatt: *Interest Based v Rights Based Mediation*

Lunch

Plenary Session 2

Around the States & Territories: Chapter Chairs' Reports

Chair: Tim Sullivan

Session 4 Theme: The Wave of Change – Developments and Trends in Mediation

Chair: Professor Angela O'Brien

Henry Jolson QC, Ian Hanger QC

Adjudication

Session 1 Theme: What is the Proper Measure of Natural Justice Demanded by the Act?

Chair: Justice Robert McDougall

Eric Pratt QC, The Hon Justice James Douglas,

The Hon Justice Stanley Jones

Session 2 Theme: Prohibition on Contracting out of Building and Construction Industry Legislation

Sponsored by Colin Biggers & Paisley

Chair: Nick Crennan

The Hon Justice Robert McDougall

Session 3 Theme: Building and Construction Industry Adjudication – the Registrar's View

Chair: Eric Pratt QC

Michael Chesterman (Qld), Helen Rechter (Vic),

Peter Gow (WA)

Session 4 Theme: The Operation of BCIPA s18(5) BCISPA s14(4), and the Work a 'division 2' Schedule should do

Chair: Warren Fischer

The Hon Justice Robert McDougall,

Karyn Reardon, Robert Riddell

David Campbell-Williams

Arbitration

2.50pm - 3.15pm
Session 5 Theme: Arbitration of Domain Names
 Chair: Robert Hunt
 The Hon Neil Brown QC

3.15pm - 3.45pm
 3.45pm - 4.30pm
Session 6 Theme: Adequacy of Reasons
 Sponsored by Ebsworth & Ebsworth Lawyers
 Chair: Ross Williams
 Robert Hunt
 Ken Hinds

4.30pm - 4.50pm
Session 7 Theme: Arbitration under Foreign Investment Treaties and Bilateral Investment Treaties
 Chair: Ian Bailey SC
 Jonathan Hoyle

4.50pm - 5.15pm
Session 8 Theme: Maritime Arbitrations
 Sponsored by Computer Reporters
 Chair: Errol Carter
 Govind Asokan: The Singapore Experience
 Brian White: The Australian Experience

5.15pm - 5.45pm

5.45pm - 7.00pm

7.00pm - 11.00pm

Mediation

... Continued

Afternoon Tea

Session 6 Theme: Mediation Training Update and National Accreditation Standards
 Chair: Eric Pratt QC
 Panel Discussion
 Alysoun Boyle
 Megan McLean
 Robert Mills

Session 7 Theme: Legal Developments in Mediation
 Chair: Ian Hanger QC
 Graham Barter: Do Lawyers Have a Role in Mediation?
 Andrew Robertson: Compulsion, Delegation and Disclosure – Changing Forces in Commercial Mediation
 Joanne Staugas: Developments in Enforcement of ADR Clauses

... Continued

Plenary Session 3
 IAMA Annual General Meeting

Free Time

Conference Dinner

The Hon Justice Ian Callinan AC

Adjudication

... Continued

Session 6 Theme: Building and Construction Industry Adjudication – ANA operations around the Nation and Overseas
 Chair: Tim Sullivan
 Warren Fischer (Qld)
 David Campbell-Williams (NSW)
 Lawrence Reddaway (Vic)
 Graham Anstee-Brook (WA & NT)
 Robert Fenwick Elliott (UK)

Session 7 Theme: The Adjudicator's Guide Live Workshop Session Q&A
 Eric Pratt QC
 Warren Fischer
 Karyn Reardon

... Continued



SUNDAY 28 MAY 2006

Arbitration

9.00am - 9.20 am
Session 9 Theme: Effective Briefing of the Expert Witness
 Chair: Ken Hinds
 Ian McIntyre

9.20am - 9.45 am
Session 10 Theme: Reducing Time and Costs in Complex Arbitrations
 Chair: Ian Nosworthy
 Ian Bailey SC

9.45am - 10.05am
Session 11 Theme: How Do Parties Want Their Arbitration Conducted? The Arbitrator's Role in Managing the Arbitration
 Chair: Ian Bailey SC
 Ross Williams

10.05am - 10.30am
Session 12 Theme: Challenges to Arbitration: Stemming the Tide (Using Expert Determination and Adjudication)
 Chair: Peter Callaghan SC
 Pamela Jack

10.30am - 11.00am

11.00am - 12.00pm

12.00pm - 12.20pm

12.20pm - 1.00pm

1.00pm - 2.00pm

Mediation

Session 9 Theme: Mediation – Beyond ADR
 Chairs: Robert Mills and Alysoun Boyle
 Jim Cyngler: Follow the Heat – Transformative Mediation

... Continued

Carolyn Manning: Case Studies in Transformative Mediation
 Mara Ray: Using Mediation to Enhance Workplace Relationships

Christine Grice and Graeme Fraser:
 Aiming for Professionalism in a De-regulated Environment

Morning Tea

Plenary Session 4
Shifting the Lines in the Sand: Meeting the Challenges of Native Title Mediation
 Chair: Michael Whelan
 Graeme Neate, Graham Fletcher

Plenary Session 5
Work Choices: ADR Options in Industrial Relations Disputes
 Tim Sullivan

Plenary Session 6
Official Close
 President, Past President, Qld Chapter Chair, CEO

Lunch

Adjudication

Session 9 Theme: Dealing with Claims for Extension of Time and Delay Costs
 Chair: Karyn Reardon
 Peter Sarlos, Max Tonkin

... Continued

Session 11 Theme: The Proper Exercise of Discretion on Fees
 Chair: Warren Fischer
 Denise Kelly

... Continued

NATIONAL CONFERENCE 2006

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CONFERENCE REGISTRATION FORM

This form becomes a tax invoice/tax receipt on full payment. ABN 80 008 520 045.

PERSONAL DETAILS: *(Please print)*

Surname: _____ Prof/Dr/Mr/Ms/Other: _____

Given Name: _____

Preferred Name (for badge): _____

Dinner/Cocktail Party Partner's Name: _____

Mailing Address: _____

Postcode: _____

Telephone: () _____ Fax: () _____ Email: _____

Any special dietary needs? (Please specify): _____

Early Bird Registration (Payable by 29 April)

Members **\$545** (incl GST) pp ea x + \$ _____

Non-Members **\$795** (incl GST) pp ea x + \$ _____

Registration (Paid after 29 April)

Members **\$645** (incl GST) pp ea x + \$ _____

Non-Members **\$895** (incl GST) pp ea x + \$ _____

Conference Dinner **\$95** (incl GST) pp ea x + \$ _____

Total Fee Payable \$ _____

**Dress code for all sessions including Welcome Reception and Conference Dinner is Far North Queensland Casual.*

Please circle the Session and Stream you would like to attend:

Friday 26 May 2006

Welcome Reception and Cocktail Party

Saturday 27 May 2006

| | | | | |
|--|---|---|---|--|
| Plenary Session 1 (9.00am) | Session 1 Arbitration (10.00am) | Session 2 Arbitration (11.15am) | Session 3 Arbitration (12.00pm) | Session 4 Arbitration (2.30pm) |
| Plenary Session 2 (1.45pm) | Mediation (10.00am) | Mediation (11.15am) | Mediation (12.00pm) | Mediation (2.30pm) |
| Plenary Session 3 (5.15pm) | Adjudication (10.00am) | Adjudication (11.15am) | Adjudication (12.00pm) | Adjudication (2.30pm) |
| Session 5 Arbitration (2.50pm) | Session 6 Arbitration (3.45pm) | Session 7 Arbitration (4.30pm) | Session 8 Arbitration (4.50pm) | AGM (5.15pm) |
| | Mediation (3.45pm) | Mediation (4.30pm) | | Conference Dinner (7.00pm) |
| | Adjudication (3.45pm) | Adjudication (4.30pm) | | |

Sunday 28 May 2006

| | | | | |
|-----------------------------|--|---|---|--|
| Plenary Session 4 (11.00am) | Session 9 Arbitration (9.00am) | Session 10 Arbitration (9.20am) | Session 11 Arbitration (9.45am) | Session 12 Arbitration (10.05am) |
| Plenary Session 5 (12.00pm) | Mediation (9.00am) | | Mediation (9.45am) | |
| Plenary Session 6 (12.20pm) | Adjudication (9.00am) | | Adjudication (9.45am) | |

Payable by cheque/money order/credit card

Please make cheques payable to THE INSTITUTE OF ARBITRATORS & MEDIATORS AUSTRALIA.

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Card Number: _____ Expiry Date: _____

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Forward completed Conference
Registration Form and payment
to:

The Institute of Arbitrators & Mediators Australia
National Office
PO Box 13064 Law Courts Victoria 8010 Australia
Telephone: 03 9607 6908 Facsimile: 03 9602 2833
Email: national@iama.org.au Website: www.iama.org.au

CONFERENCE PRESENTERS AND FACILITATORS

GRAHAM ANSTEE-BROOK

Graham Anstee-Brook is a leader in construction law in Western Australia and heads up a Minter Ellison team of lawyers dedicated to provide strategic and legal advice across all aspects of the construction industry. His expertise and experience enables him to assist clients in all phases of a project from tender preparation and contract negotiation and drafting to contract administration claims advice and dispute resolution. He is a committee member of the IAMA (Western Australia), a graded arbitrator, accredited adjudicator and has been instrumental in developing a training course for adjudicators under the Construction Contracts Act (WA) which has been approved by the Department of Housing and Works.

GOVIND ASOKAN

Govind Asokan is a Partner in the Singapore firm of Rodyk & Davidson and heads the firm's Shipping Practice. Govind's area of speciality is maritime law and his practice includes registration, financing and flagging, litigation and alternative dispute resolution. He is a Fellow of the Singapore Institute of Arbitrators and a member of the Regional Panel of Arbitrators, Singapore International Arbitration Centre and a Member of the United Kingdom Chartered Institute of Arbitrators. He is also a Member of SIAC's Maritime Advisory Committee. Govind has been in practice for over 25 years and holds an LLM with Distinctions in Carriage of Goods by Sea and Admiralty Law from the University of Southampton. He is the main co-author of Halsbury's Law of Singapore on Employment Law (Vol. 9).

IAN H BAILEY SC

Ian Bailey has been a Senior Counsel since 2004, and a practising barrister since 1983, specialising in construction disputes and related claims throughout Australia. A Court appointed referee in numerous NSW Court proceedings. A Professorial Fellow of the University of Melbourne and Director of Studies for the Construction Law Graduate Program, and an Adjunct Professor in the Faculty of Law at UTS, Sydney. Ian has practised as an architect from 1970 to 1980 in the design and construction of commercial and industrial buildings in NSW. Author of *Construction Law in Australia*, 2nd Edn 1998 IBC Services, Ian has also written Chapter 27.7: Professional Liability, Architect and Engineers in Laws of Australia published by Law Book Company Limited. He has been the IAMA National Vice-President 2004-2006 and Chairman of the NSW Chapter of the Institute 2000 to 2003 and is a Fellow and Grade 1 Arbitrator and Accredited Mediator.

GRAHAM BARTER

Graham Barter has literally dealt with thousands of workers' compensation cases on both sides of the record in his 25 years as a New South Wales Barrister. Always keen on settlement prior to litigation, he has maintained an interest in ADR throughout his career. A member of LEADR and IAMA, he is also a certified Defence Force Mediator and is currently a member of the NSW Bar Association Mediation Committee.

PROFESSOR LAURENCE BOULLE

Laurence Boulle began his career in legal practice and has since had positions at universities in Africa, Europe, North America and Australia. He is currently Professor of Law at Bond University where he established the Dispute Resolution Centre which has provided education and training for thousands of professionals in many countries over the past 16 years. His books on mediation and ADR have been published in six countries and he edits the ADR Bulletin. In 2005-6 he facilitated the National Mediator Accreditation System endorsed at the recent National Mediation Conference.

ALYSOUN BOYLE

Alysoun Boyle has extensive ADR experience in land/planning development, bushfire reparations, workplace, harassment/discrimination, commercial, legal and community disputes. Alysoun is also a mediation trainer. In 2005 she rewrote the *IAMA Mediation Handbook* and developed new Competencies for IAMA Accredited Mediators. A National Councillor and member of three IAMA National Committees, a Member of the ACT Administrative Appeals Tribunal and the St James Ethics Society.

MARK BRADY

Mark Brady is the Manager of the Workplace Investigations Unit at Queensland Health. This is the unit charged with addressing workplace harassment issues raised in the Forster and Davies reports. Prior to this, Mark was an Industrial Officer at the Queensland Council of Unions and Lead Negotiator at the Australian Services Union. Mark has extensive experience in negotiations and issue resolution in the public and private sector, large and small employers.

THE HON NEIL BROWN QC

Neil Brown QC was a Minister in the Federal Government in the Employment, Communications and Attorney-General's portfolios. He was a delegate to the United Nations and other national and international organisations. His practice at the Bar encompassed

commercial law, constitutional, intellectual property, administrative, town planning, and industrial relations. He has appeared in the High, Federal and State Supreme Courts and conducted proceedings on media, gaming, communications, constitutional, commercial and construction law.

PETER CALLAGHAN SC

Peter Callaghan took over Chairmanship of the NSW Chapter of IAMA in July 2003. Admitted to the NSW Bar in 1971, he took Silk in 1994, and has been involved in construction law since his days as an Articled Clerk in the early 1960s. He has sat as an acting Judge and regularly adjudicates in construction law cases as an Arbitrator or Court Referee. Peter is also a Judge Advocate in the Navy.

THE HON JUSTICE IAN CALLINAN AC

Ian David Francis Callinan was appointed to the High Court of Australia in February 1998. At the time of his appointment he was a practising barrister. After spending five years as a solicitor he was admitted to the Queensland Bar in 1965 and was appointed Queen's Counsel in 1978. He was President of the Queensland Bar Association between 1984 and 1987 and was President of the Australian Bar Association in 1984-85. He was previously a Member of the Queensland Government appointed Committee to review Workers Compensation Legislation and Chairman of Totalisator Administration Board of Queensland, and is currently Chairman of the Australian Defence Force Academy Council. He appeared as counsel in many major cases and inquiries in Australia and in the Privy Council, and in Europe. He has authored and presented many legal papers at Australian and international conferences.

Justice Callinan is also a playwright and author, a former Chairman of Trustees of the Queensland Art Gallery, a former Honorary Chairman of the Brisbane Community Arts Centre, formerly a Director of a number of public companies as well as the Australian Broadcasting Commission. He is presently the Patron of the Silver Lining Foundation (which provides support for indigenous youths). Justice Callinan was appointed a Companion in the General Division of the Order of Australia in 2003.

DAVID CAMPBELL-WILLIAMS

David Campbell-Williams is a construction lawyer of almost 30 years standing, with a primarily "back end" focus and extensive experience in not only conventional litigation, but also arbitration and other alternative dispute resolution process. He has since 1998 been closely involved in the introduction of the *Building and Construction Industry Security of Payment Act* and is currently at the forefront of Security of Payment in New South Wales, as a lawyer advising parties and an experienced adjudicator. He is a Grade 2 Arbitrator and serves on the NSW Chapter Committee.

ERROL CARTER

Errol Carter, a director of ComputerReporters, has over three decades of experience in court and parliamentary reporting, having worked not just throughout Australia in a variety of jurisdictions but in Federal and State parliaments, the House of Commons and the Old Bailey in London, and has travelled extensively to New Zealand, the USA, Canada and Europe on either study tours or to attend various international conferences, particularly those at which new courtroom technologies are showcased.

MICHAEL CHESTERMAN

Michael Chesterman is the Adjudication Registrar for the Building and Construction Industry Payment Agency and has been in this position for the last two years. Prior to this appointment he spent two years researching security of payment in Australia and gave drafting instructions for the Building and Construction Industry Payments Act 2004.

Michael was previously employed by the Building Services Authority for seven years as the Compliance Manager and has also held roles with Department of Fair Trading in NSW prior to relocating to Queensland.

NICK CRENNAN

Nick Crennan is a partner in the Construction, Engineering and Technology Division for Colin Biggers & Paisley. He has been involved in commercial dispute resolution of over 18 years, with a particular focus on the construction industry. He is an accredited adjudicator and is a regular contributor to the Institute on matters touching upon arbitration, adjudication, expert determination and mediation.

As well as being a member of the Institute he is also a director of the Building Science Forum of Australia, and a member of the Dispute Resolution Board Foundation, Facilities Management Association and the Society of Construction Law.

JIM CYNGLER

Jim Cyngler has been a practicing mediator since 1992. Jim has conducted over 1500 mediations primarily in the construction, property and commercial areas. Jim regularly trains and coaches mediation both in Australia and overseas. He has been a member of the Victorian Bar since 1979. Jim is a builder and

developer and is the President of one of Australia's fastest growing Independent Schools.

THE HON JUSTICE JAMES DOUGLAS

Justice James Sholto Douglas was appointed as Justice of the Supreme Court of Queensland on 27 November 2003. He completed degrees in Arts and Law at the University of Queensland and was admitted to the Bar in 1973. After working in a solicitors' firm in London he commenced private practice at the Bar in Brisbane in 1977, became a QC in 1989 and was President of the Bar Association of Queensland from 1999 to 2001.

AA DE FINA OAM

Toni de Finia is the Immediate Past President of Australian Centre for International Commercial Arbitration having been President from 1988 - 2002. He is also a Past President of the Institute of Arbitrators & Mediators Australia and was otherwise a National Councillor for some 12 years. Presently, Toni practices full time as an arbitrator in both domestic and international disputes in jurisdictions governed by common law, civil code and Islamic law. He is currently a member of the Court Européenne d'Arbitrage (EU) and has written and spoken widely on arbitration.

MICHELINE DEWDNEY

Micheline Dewdney is a Barrister and Solicitor of the Supreme Court of New South Wales. She is a mediator, facilitator and conciliator for a number of panels and is in private practice. She has conducted over 700 sessions relating to matters such as civil claims, community, family, health, environment, workplace and organizational, trainer, coach and assessor in basic and advanced ADR courses. ADR author and consultant.

GRAHAM EASTON

Graham Easton is an arbitrator and mediator with over 20 years experience and an extensive practice within Australia and Internationally. He is a Fellow of IAMA and a Grade 1 Arbitrator. He is admitted as a Barrister of the Supreme Court of NSW and also works as a court-appointed referee. Prior to turning his attention to dispute resolution activities, he worked as a civil engineer in the construction industry. He also spent a period as an academic, teaching and writing on Construction Law and Management topics.

ROBERT FENWICK ELLIOTT

Robert Fenwick Elliott set up and for 21 years headed up Fenwick Elliott LLP, the biggest specialist firm of construction lawyers in the UK, where he adjudicated, mediated, arbitrated, litigated and acted in many construction disputes. He has written and lectured extensively on construction law topics. He now lives in Adelaide, where he has recently helped set up Fenwick Elliott Grace, a new construction law practice, and will mediate and adjudicate when not playing croquet.

WARREN FISCHER

Warren Fischer has more than 20 years international experience in civil, structural & mining engineering. He is an Energy Arbitrator under Electricity Act (QLD) 1994 & Gas Supply Act (QLD) 2003, Independent Adviser to Co-ordinator General, State Development and Public Works Organisation Act (QLD) 1971 and Specialist Adjudicator under the Body Corporate and Community Management Act (QLD) 1997.

GRAHAM FLETCHER

Graham Fletcher has been a full-time Member of the National Native Title Tribunal in Cairns since March 2000. Before his appointment to the Tribunal, he held senior positions with various Queensland Government departments and has been involved in land management and land interest policy issues for over 25 years, and indigenous matters in particular since 1995. Graham is a qualified Valuer and an Associate of the Australian Property Institute.

GRAEME FRASER

Dr Graeme Fraser is currently Chair of the Health Research Council of New Zealand and a Commissioner on the Tertiary Education Commission. He has a doctorate in Sociology from the University of Missouri and is a member of the Arbitrators' and Mediators' Institute of New Zealand. He teaches a post-graduate paper in Dispute Resolution at Massey University where he is an Emeritus Professor. He has published and presented in the area of professionalism across a range of disciplines.

VIRGINIA GOLDBLATT

Virginia Goldblatt is a senior lecturer in dispute resolution at Massey University in Palmerston North, New Zealand. She has published on dispute resolution in the New Zealand Law Journal and for Butterworths NZ, and has presented at a number of international conferences. She is a Fellow (mediation) of the Arbitrators' and Mediators' Institute of New Zealand, a member of the accredited panel of mediators and a previous vice-president (mediation). Virginia also has a private practice specialising in employment disputes and organisational conflict.

CONFERENCE PRESENTERS AND FACILITATORS

PETER GOW

Peter Gow is Executive Director of Building Industry Development in the Western Australian Department of Housing and Works. He is responsible for building and construction industry policy and regulation and is the Western Australian Registrar under the Western Australian Construction Contracts Act. Peter has degrees in Engineering and Arts and postgraduate qualifications in Management from Deakin University and has extensive experience in building design, construction and project management. Peter was a member of the industry-government taskforce that investigated security of payment in Western Australia.

CHRISTINE GRICE

Christine Grice is the Immediate Past-President of the New Zealand Law Society, the professional body representing all practising lawyers in New Zealand. She currently practices commercial law and specialises in arbitration and mediation, being a member of the advanced panel of mediators for LEADR. She also lectures on mediation in the dispute resolution program at Waikato University, presents training programs for the New Zealand Institute of Directors, and is currently completing a Masterate with a research paper in this field.

GAVAN GRIFFITH QC

Gavan Griffith QC practices as a barrister and international chartered arbitrator in Melbourne and also at Essex Court Chambers, London. He was Solicitor-General of Australia from 1984 to 1997. He appeared as counsel and agent for Australia at the International Court of Justice. He has had various international appointments, including as Leader of Australia's Delegation, and sometime Vice-Chairman, of the United Nations International Trade Law Commission (UNCITRAL) including in sessions for the adoption of the UNCITRAL Model Law of International Commercial Arbitration at Vienna in 1985. Amongst other appointments he was Leader of the Australian Delegation to The Hague Conference on Private International Law 1992-1998, Member, and sometime Chairman, of INTELSAT Panel of Legal Experts 1988 to 1997, and Member of the Permanent Court of Arbitration at The Hague 1987 to 1999. He is a Member of the Panel of Arbitrators at the International Centre for Settlement Investment Disputes (ICSID) and of various other arbitral institutions.

IAN HANGER QC

Ian Hanger QC was admitted to the Bar in Queensland in 1968 and appointed Queen's Counsel in 1984. He is an IAMA Fellow, Grade 1 Arbitrator, court appointed mediator and case appraiser and a member of the Hong Kong International Arbitration Commission. Ian is one of three appointees as a mediator of the Australian Government to the International Centre for the Settlement of Investment Disputes which sits in Washington.

KEN HINDS

Ken Hinds, Engineer, Grade 1 Arbitrator, Court Appointed Referee receiving a Centenary Medal for "Honorary services to engineering and construction industries and the arts". Invited Fellow of the Institution of Engineers and Fellow of the Institute of Diagnostic Engineers, London, Ken was appointed to a number of Professional Panels and currently arbitrating 3 major disputes in Brisbane. Previous IAMA Chapter Chairman for Queensland and retired IAMA National Councillor and current Queensland Chapter Committee Member.

JONATHON HOYLE

Jonathan Hoyle is the Director of the Clayton Utz International Arbitration Group. Prior to joining Clayton Utz, Jonathan worked as a barrister in London and at the ICC Court of Arbitration and Freshfields Bruckhaus Deringer in Paris. He has acted for clients in many forms of arbitration and alternative dispute resolution in a wide variety of jurisdictions. He has extensive experience in both public and private international law (including claims under bilateral investment treaties).

ROBERT HUNT

Robert Hunt was president of IAMA from 2000 to 2002. He drafted the Institute's Rules for the Conduct of Commercial Arbitrations 1999, the Expert Determination Rules 2001, Mediation and Conciliation Rules 2001, and the ASF Dispute Resolution Scheme Rules, in addition to writing many Practice Notes. He is also the author of various chapters in 'A Guide to Arbitration Practice in Australia' (University of Adelaide) and many published articles on arbitration and ADR. After working as a civil engineer and builder from 1967, he has practised since 1983 as a barrister, arbitrator and mediator in international and domestic disputes, principally in commercial and construction matters. He is a director of ACICA and a member of the International Seed Federation Trade & Arbitration Rules Committee, as well as being a member of numerous arbitration and ADR panels in Australia and overseas.

PAMELA JACK

Pamela Jack joined Minter Ellison in October 2001. Formerly a senior partner with Phillips Fox, Pamela is one of Australia's pre-eminent construction lawyers, with particular expertise in construction litigation, alternative dispute resolution and project packaging and documentation. Over the last 25 years, she has been a key adviser on many of Sydney's landmark projects and has represented developers, contractors and owners in disputes. Pamela is a trained mediator and regularly provides mediation services.

LURIE JAMES

Lurie James was admitted as a Barrister and Solicitor in 1965. Partner Kott Gunning since 1967, Managing Partner 1991-1994 now Chairman of Partners. National Senior Vice President IAMA and Past Chairman of WA Chapter. Deputy Chairman (WA) of the Construction and Infrastructure Law Committee of the Law Council of Australia. Convenor of the Western Australian Dispute Resolution Service. The Gas Disputes Arbitrator under the Gas Pipelines Access (Western Australia) Act 1998. He is a Grade 1 Arbitrator, accredited Mediator and registered Adjudicator.

HENRY JOLSON QC

Henry Jolson QC is an IAMA registered Grade 1 Arbitrator. He is an Independent Expert in major government infrastructure contract disputes and has conducted numerous major commercial mediations since 1985. As former Chair of the Law Council of Australia's ADR Committee, Henry was the Principal draftsman of the ICA's Rules for Court Annexed Mediation. As a Judge/Member of the International Court of Arbitration for Sport (CAS) he has arbitrated selection disputes relating to the Sydney and Athens Olympic Games, anti-doping violations and many commercial disputes referred to CAS. He was a member of the International ad hoc CAS Tribunal established for the Commonwealth Games in Melbourne having exclusive jurisdiction in doping matters and the final appeals tribunal for all other issues arising out of the Games.

THE HON JUSTICE STANLEY JONES AO

Justice Stanley Jones was sworn in as Justice of the Supreme Court of Queensland on 13 October 1997. His Honour received a Bachelor of Laws from the University of Queensland in 1964 and practised as a solicitor/partner with a Brisbane firm before he was called to the Bar in Brisbane in 1969. In 1989 His Honour received his Letters Patent for appointment as one of Her Majesty's Counsel. Held the position of Chancellor of the Central Queensland University from 1991 to 2004.

COLIN KAESER

Colin Kaeser is a Deputy Registrar at the Family Court of Western Australia. He obtained a Psychology degree in 1986. Soon after, he decided to study law and was admitted to practice in 1994. Colin has joyfully worked primarily in Family Law ever since. In 1999, he was accredited as a Family Law Specialist. He became an approved Family Law Arbitrator in 2001 and a Family and Child Mediator in 2003.

DENISE KELLY

Denise Kelly is a Senior Associate in the Clayton Utz construction group. Denise was admitted to practice in 1993 and has been operating exclusively in the area of construction law for over 8 years. She maintains a practice centred on dispute resolution and as a result she has encountered a wide variety of issues in both the construction and mining industries. She is experienced in both Supreme Court litigation and arbitration under both domestic and international legislation. Denise holds Bachelor of Laws and Economics from the University of Queensland.

CAROLYN MANNING

Carolyn Manning is the key consultant of Carolyn Manning Consulting Services and is a registered psychologist, Member of the Australian Psychological Society, Member Board of Counselling Psychologists, Member of the Australian Society of Hypnosis and is an Accredited Mediator and Full Member of IAMA. Carolyn has published articles in academic journals and reviewed international journal articles for publication and acted as a judge for La Trobe University Law students participating in mock mediations.

JUSTICE ROBERT McDUGALL

Justice Robert McDougall graduated from the University of Sydney with Honours in Arts (1968) and Law (1972), and commenced practice at the New South Wales Bar in 1975. He was appointed Queen's Counsel in 1990. He practised extensively in the areas of Equity, Commercial and Construction law and, particularly after taking Silk, appeared in many long and complex cases, with a particular focus on building and construction industry disputes. Robert McDougall was appointed as a Judge of the Supreme Court of New South Wales in August 2003. From appointment, he has been one of the three Judges sitting full time in the Commercial and Technology and Construction Lists.

IAN MCINTYRE

Ian McIntyre is a Principal of Evans & Peck, a multidisciplinary management consultancy with a focus on project delivery processes. He is a Civil Engineer by training and construction contractor by experience prior to becoming a consultant 19 years ago. His consulting practice is mostly focused on "trouble shooting", independent review and due diligence roles. He is an experienced expert witness, primarily in relation to the causes and consequences of project delivery failures.

MEGAN MCLLEAN

Megan McLean is an IAMA Accredited Mediator and has been involved as an organiser and assessor for The Practitioner's Certificate in Mediation and Queensland Post Accreditation Mediation course since 2003. Megan holds a Certificate IV in workplace training and assessment and is a Queensland qualified Early Childhood Educator. Megan also works for the University of Southern Queensland (Faculty of Education) as a Tutor, Course Examiner and Course Writer and also acts as Liaison Officer for the Professional Experience Unit at the USQ.

ROBERT MILLS

Robert Mills is a conflict resolution practitioner in both public & private practice. He is Chairman of the Financial Cooperative Dispute Resolution Scheme Inc & Chairman of the Australian Government's Community Water Grant's National Advisory Panel. He holds a Master of Dispute Resolution (UTS) degree, a Cert IV Workplace Training & Assessment, is an IAMA Accredited Mediator & Conciliator, an IAMA Accredited Workplace Relations Conciliator, an IAMA Qld Chapter Approved Trainer & a member of the IAMA Qld Chapter Committee.

GRAEME NEATE

Graeme Neate has been President of the National Native Title Tribunal since 1999. He was a part-time member of the Tribunal from 1995 up until he became President. Before joining the Tribunal, Graeme was the Chairperson of the Aboriginal and Torres Strait Islander Lands Tribunal in Queensland and a member of the Land Court of Queensland. From 1988 to 1991, he was a senior solicitor in private practice. Graeme worked with the Department of Aboriginal Affairs in Canberra from 1982 to 1986 on a range of Aboriginal heritage and land matters. He has written one book and numerous articles, book chapters and conference papers on those topics.

IAN NOSWORTHY

Ian Nosworthy is the Immediate Past President of the Institute of Arbitrators & Mediators Australia. He has practised throughout Australia as a solicitor and barrister for 37 years. He is the Treasurer of the Business Law Section of the Law Council of Australia. He is a Fellow, a Grade 1 Arbitrator and Accredited Mediator with the Institute of Arbitrators and Mediators Australia, a Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators (UK), a Life Member, of IAWASIA, a Director of the Australian Centre for International Commercial Arbitration (ACICA), an editor of the *Building and Construction Law Journal* (Thomson Lawbook Co) and a member of the Board of Management of the IAMA Joint Venture with the University of Adelaide for delivery of their Professional Certificate in Arbitration course. He has extensive experience in the conduct of commercial disputes and their resolution, particularly in construction, engineering, insurance and other disputes both nationally and internationally.

PROFESSOR ANGELA O'BRIEN

Professor Angela O'Brien is a senior academic at the University of Melbourne, with an extensive background in teaching, research and publication, including research partnerships with Government and Industry. She has had widespread governance and committee experience on educational, professional, cultural and community bodies. She is a Grade 3 Arbitrator and accredited mediator with ADR expertise in arts and cultural organisations, educational sectors, government sectors, and the workplace. Professor O'Brien is an IAMA National Councillor and Chair of the National Publications and Profile Committee. She is also Chair of the Victorian Chapter Committee.

SANDY POLICANSKY

Sandy Policansky is Counselling Services Manager for a large national employee assistance provider, Davidson Trahair Corpysche and has over 25 years of experience working in the counselling and injury management fields at state and federal level and in the private and public sector. As well as assisting organisations with their workplace and personal issues she provides mediation and alternate dispute resolution services in workplace conflicts. She has been an IAMA national councillor, involved in the Education and Professional Development and Mediation Committees and in coaching/training of mediators for the Institute. As a social worker Sandy has worked and managed services in the fields of child adolescent and family psychiatry, health and welfare and vocational rehabilitation in Australia and overseas.

CONFERENCE PRESENTERS AND FACILITATORS

ERIC PRATT QC

Eric Pratt QC practised law in PNG from 1965, before joining Queensland Bar in 1972. Early member of the Institute of Arbitrators and Mediators. At the Bar he litigated/negotiated Ranger Uranium Inquiry, Kakadu National Park, Nabarlak, Jabiru, Jabulka and Koongarra. Appointed Q.C. in Queensland and NT 1980, elevated to the District Court bench 1982 where served until retirement in 2000. He was then elected Chairman, Queensland Chapter of the Institute, where he remains.

MARA RAY

Mara Ray is an Employment Law Strategist and Industrial Relations Consultant with over 22 years experience in the law. Mara was a Member of the Victorian Bar for over 10 years, and more recently a Melbourne Partner with Fisher Cartwright Berriman. An expert advocate, she remains an Advocacy instructor to lawyers through the Australian Advocacy Institute, and is a Visiting Fellow at Monash University where she teaches advocacy both in Australia and internationally.

KARYN REARDON

Karyn Reardon specialises in resolution of large construction and engineering disputes. She has a detailed understanding of ADR practices, having been involved in a number of matters resolved by way of mediation, arbitration, adjudication and expert appraisal. Karyn also drafts and reviews construction and engineering project documentation. Karyn has conducted on-site training for corporate clients, and has lectured in Construction Law and Arbitration Law at QUT. Karyn is Treasurer and Honorary Secretary of IAMA's Queensland chapter, and a National Councillor. She is a graded arbitrator, a registered adjudicator and an accredited mediator, and co-author of *The Adjudicator's Guide*.

HELEN RECHTER

Helen Rechter is Policy Officer within the Victorian Building Commission's Policy Services branch. The Building Commission is a statutory authority that oversees building legislation, regulates building practices, advises Government, and provides services to industry and consumers.

LAWRENCE REDDAWAY

Lawrence Reddaway graduated from Cambridge University, and first worked as a structural engineer. Then, in private practice, he developed fire safety engineering as a discipline, closely related to building regulations. Investigating insurance claims exposed him to the legal world as he developed expert witness skills. Three years in Hanoi broadened his communication and dispute resolution skills. Lawrence now works in Melbourne as a consulting fire engineer, arbitrator, mediator and adjudicator.

ROBERT RIDDELL

Robert Riddell commenced legal practice in 1987 and joined Gadens Lawyers in 1991 where he is now a partner in the building and construction practice. Robert frequently advises and implements contract restructuring and recovery strategies in the building and construction context for financial institutions and insolvency practitioners. His experience has assisted in positioning Gadens lawyers as a leading provider of specialist services in this area. Robert is an Institute accredited security of payment adjudicator and was appointed to the Master Builders Association's Legal and Contracts Committee in 2005.

ANDREW ROBERTSON

Andrew Robertson is a partner in the national dispute resolution practice of Piper Alderman. Andrew has degrees in Economics, Law (with Honours) and Commerce. In addition to practising as

part of Piper Alderman's national dispute resolution team, Andrew is also a qualified accountant (CPA), graded arbitrator and accredited mediator.

MICHAEL RUDGE SC

Michael Rudge SC has practiced as a solicitor with Allen Allen & Hemsley from 1973 - 1982. During that period he practiced in general commercial work for the first five years and for the last four was engaged in general commercial litigation. Upon his call to the Bar in 1992, he undertook general commercial litigation & for approximately the last 15 years has specialised almost exclusively in matters relating to the building and construction industry. Michael was appointed by the Supreme Court and District Court as a referee in building disputes and has conducted a number of mediations. He took silk in 1998.

NICK RUDGE

Nick Rudge is a specialist construction lawyer with Allens Arthur Robinson and has acted for a number of Australia's most significant resources and industrial companies such as BHP Billiton, Amcor, Newcrest Mining, and Rio Tinto as well as government instrumentalities, private developers and contractors. Nick has also worked in London where he practiced in the area of construction dispute resolution and litigation. Nick's work in Australia and the UK has covered mining and associated infrastructure, manufacturing and process plants, alpine development, light rail, heavy rail, power plants, wind farms, commercial property and multi-unit residential development.

PETER SARLOS

Peter Sarlos has been involved in the practice of Architecture for over 35 years. Since 1972, he has been involved in the management of architectural practices as either a principal or senior manager. In late 2003 Peter Sarlos was admitted to the Supreme Court of NSW as a legal Practitioner and worked assisting legal counsel in matters where his expertise in planning, architecture, and building were used in support of matters before the Courts and in Arbitrations. Peter is an Accredited Mediator, Arbitrator and Adjudicator under Security of Payments legislation.

JOANNE STAUGAS

Joanne Staugas practices in commercial dispute resolution with specialist expertise in engineering and infrastructure projects throughout Australia. Joanne acts for major national and multinational corporations based in Adelaide and for whom she undertakes work throughout Australia, including BAE SYSTEMS Australia Limited and ASC Pty Ltd. Joanne is the Chair of the Law Society of South Australia's ADR Committee and is a member of the Law Council of Australia's ADR Committee.

THE HON SIR LAURENCE STREET AC KCMG QC

Sir Laurence Street was Chief Justice and Lieutenant Governor of NSW. Since leaving the Bench he has been actively engaged in commercial mediation and has conducted over 1500 mediations principally in the field of major commercial disputes. He is a Fellow of the Chartered Institute of Arbitrators (UK) and an Honorary Fellow and Grade 1 Arbitrator of the Institute of Arbitrators and Mediators. Amongst other current appointments, Sir Laurence is President of the Asia-Pacific Council of the London Court of International Arbitration and Chairman of the Australian Government's International Legal Services Advisory Council. In recent years he was a Director, and later Chairman of the major Australian newspaper group John Fairfax Holdings Ltd. He is associated with a number of Australian and International ADR organizations and has maintained close involvement in speaking and writing on the subject of mediation.

TIM SULLIVAN

Tim Sullivan is the President of the Institute of Arbitrators & Mediators Australia. He is a Grade 1 Arbitrator, Accredited Mediator, Accredited Adjudicator, Accredited ADR Provider for disputes under the Workplace Relations Act and a Registered Mediator under the Mediation Act (Australian Capital Territory). Tim is a contract administrator, workplace assessor and dispute resolution consultant who practices in areas such as mining and infrastructure, building and construction, engineering work, workplace relations, property, finance, franchises, partnerships, professional conduct and professional fees. He has been involved in administration of contracts or resolving disputes for major construction projects such as the Parliament House Canberra, the High Court building in Canberra, the Sydney Airport to rail tunnel in Sydney, Ocean Outfall work, mining infrastructure works in NSW and Queensland, and major freeway developments. Tim is also a tutor in the *Professional Certificate in Arbitration* course and regularly presents in the Institute's other training courses.

RUSSELL THIRGOOD

Russell Thirgood is a Senior Associate of McCullough Robertson Lawyers and President of Amnesty International Australia. He is the General Editor of *The Arbitrator & Mediator* and the author of 'Alternative Dispute Resolution' in *The Australian Encyclopaedia of Forms and Precedents*, and holds a Masters of Laws with First Class Honours from the University of Sydney, majoring in dispute resolution.

MAX TONKIN

Max Tonkin is a Civil Engineer with over 20 years experience specialising in construction contracts & dispute resolution. As General Manager, Procurement Systems, Dept of Commerce, he advised on tender and contract strategies, documentation, contract administration and dispute resolution. Since 2004, NSW Chapter Committee and Adjudication Subcommittee member, he has participated in numerous IAMA training programs. He is an accredited Adjudicator under the NSW Security of Payment Act, and equivalent Acts in Victoria and Queensland.

MICHAEL WHELAN

Michael Whelan is a Barrister (non-practising) Registered Surveyor, FISAust, a Harvard trained negotiator, Arbitrator, Mediator, Adjudicator and is on the Native Title Practitioners Panel C'wealth Attorney General. Recent experience includes resolving disputes related to property, and construction matters, and also matters before the Land & Environment Court NSW.

BRIAN WHITE

Brian White is a London-trained marine lawyer and a former shipmaster and pilot. He runs his own marine consulting business and law firm from Cairns but commutes regularly to his businesses in Port Moresby and Darwin. He is an accredited arbitrator and mediator and is a consultant to the National Maritime Safety Authority in Papua New Guinea where he is also Consul-General for Denmark. Brian is the regional P&I Club correspondent and he specialises in marine casualty work in the N Australia/SW Pacific Region.

ROSS WILLIAMS

Ross Williams is a partner and industry leader of the property and construction team of Ebsworth & Ebsworth Lawyers. He has a particular expertise in the construction, development and engineering areas of law, including planning, project and contract development, related arbitration, dispute resolution and industrial relations. He is a Graded Arbitrator and is a member of The Institute of Arbitrators & Mediators Australia.

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